CHRISTIAN THEOLOGY

Dogmatic and Moral

in Compendium

by Fr. Daniele Concina, of the Order of Preachers

BOOK XII

On Extreme Unction and Order; on Simony and Benefices

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Dissertation I — On Extreme Unction and Order

Chapter I — Condemned and lax propositions are recounted which regard the remaining three sacraments of extreme unction, order, and matrimony

SECTION I — Theses proscribed by Alexander VII and Innocent XI

Alexander VII condemned the following.

I. *It is not against justice not to confer ecclesiastical benefices gratis: because a collator conferring those ecclesiastical benefices, money intervening, does not exact it for the collation of the benefice, but as it were for a temporal emolument which he was not bound to confer upon you.* This is the 22nd.

II. *That opinion is probable which says that a kiss had for the sake of the carnal and sensible delight which arises from the kiss is only venial, the danger of further consent and of pollution being excluded.* This is the 40th.

Innocent XI proscribed the following.

III. *The work of marriage exercised for pleasure alone is utterly free from all fault and venial defect.* This is the 9th.

IV. *To give a temporal thing for a spiritual is not simony, when the temporal is not given as a price, but only as a motive for conferring or effecting the spiritual; or even when the temporal is only a gratuitous compensation for the spiritual, or contrariwise.* This is the 45th.

V. *And this also has place, even if the temporal be the principal motive of giving the spiritual; nay, even if it be the end of the spiritual thing itself, so that it be esteemed of more worth than the spiritual thing.* This is the 46th.

VI. *When the Council of Trent said that those communicating in others' sins sin mortally, who promote to churches any others than those whom they have themselves judged worthier and more useful to the Church, the Council either first seems by this to wish to signify by "worthier" nothing else than the worthiness of those to be elected, the comparative being taken for the positive; or secondly, by a less proper locution it sets down "worthier," that it may exclude the unworthy, but not the worthy; or lastly it speaks thirdly, when there is a competition.* This is the 47th.

VII. *Copulation with a married woman, her husband consenting, is not adultery; and so it suffices in confession to say that one has fornicated.* This is the 50th.

SECTION II — Lax propositions of certain casuists

I had determined to transcribe no lax opinions concerning matrimony, because they are so foul and horrid that they can scarcely be read without scandal. But because the heretics reproach us that many shameful things are defended by Catholic casuists — and chiefly the impious Peter Bayle exaggerates several of the things which Thomas Sánchez teaches in this kind — therefore I shall transcribe a few, that I may stop the mouths of the calumniating heretics, and that they may understand that the paradoxes of the laxity of certain casuists are by no means approved by the graver theologians.

I. Fr. Claude La Croix, Book 3, part 2, no. 1000: “Gobat, no. 10, thinks that in Germany it is lawful in monasteries to sell wine and bread through servants: for this is not properly to keep a tavern or to

trade, but to sell one's own to passers-by."

II. The Fathers of Salamanca, tract 19, chapter 1, point 4, no. 55: "It must therefore be said that it is necessary to the contract of buying and selling that the delivery of money, or of another temporal thing, be made from a will of giving it as a price, or of commensurating it with the spiritual thing and esteeming it at so much, so that it be through an onerous contract. This depraved will nevertheless being excluded, if a temporal thing be given with the mind of obtaining a spiritual thing, not as an onerous price but gratis, or out of gratitude or benevolence, even with the imposition of some antidoral obligation, no simony is committed — whether the gift be conferred before the collation of the spiritual thing, or after it, or at the same time with it."

III. The same Salmanticenses in the same place, no. 56: "If someone should resign a benefice into the hands of a prelate, or in favour of another, but with this mind, hope, and intention that the other out of gratitude and antidoral obligation should correspond with presents, gifts, and services — otherwise not being about to resign without such hope; but neither intending to oblige him by another obligation besides the antidoral, nor by another onerous agreement, or convention intervening, by which he intends rigorously to oblige him — it will not be simony."

IV. The same Salmanticenses in the same place: "The same is of him who resigns a benefice into the hand of a prelate, or in favour of another, with this hope and intention that another fatter one be conferred upon him by the bishop, otherwise not being about to resign; if he does not intend to leave the superior bound by another obligation besides the antidoral. The same is in like cases. Valentia, § 3; Soto, article 2; Rodríguez, chapter 58; Palaus, point 4; Suárez; Ugolinus; Sánchez; Diana; Lessius; Layman in the place cited; who also add that this is true even if he express the said hope in words or in writing to the superior: because what it is lawful to desire, it is lawful also to express in words; and because it is lawful to ask from another that which he is held to by natural obligation."

V. The same Salmanticenses in the same place, chapter 2, point 7, no. 49: "Hence also it is made honourable that monasteries of noble nuns exact a fatter dowry and a greater sum for entrance and sustenance: because the more celebrated the monasteries are, the greater expenses they have, and a greater sum is assigned as dowry for entrance."

VI. The same Salmanticenses in the same place, no. 50: "For the rest, if besides the dowry of sustenance the nuns should receive or ask more, either because the entrant is less noble, or deformed, or of some other infamy, they can scarcely be excused from simony, says Sánchez, Book 3, chapter 3, doubt 11, no. 7; which we judge true, unless perchance (N.B.) some detriment thence befall the monastery, either in honour or in other temporal things: because this can lawfully be compensated by an increase of the dowry; just as in matrimony we said above that an equality of nobility, or of another thing, between spouses is compensated by an increment of the assigned dowry."

VII. The same Salmanticenses in the same place: "Hence there is freed from simony that which frequently happens among our nuns, namely that in order that a twenty-first be received — which among us is called *la veinte y una* — a greater dowry is exacted; or that two or three sisters be received in the same monastery, in which case a greater sum is required, unless they be adorned with other surpassing qualities; and that widows be admitted, it is exacted also that the dowry be increased. For in the former case it is intended to render entrance difficult: because from the most holy virgin our

mother St. Teresa our nuns have it that only twenty be made, and so forth. … In the other two cases for the same reason a greater dowry is exacted, that such entrance may be more difficult, and so forth."

VIII. The same Salmanticenses in the same place, no. 51: "If a monastery, even a most wealthy one, should exact by agreement money from those to be received for their sustenance, it commits simony neither by divine nor by positive right."

IX. Fr. Nicholas Mazzotta, tract 3, disputation 5, chapter 3, page 253: "But if you give something to an intercessor, whether mediate or immediate, not indeed for the intercession, but for the labour, for ceasing gain, for emerging loss, for the expenditure of time, and so forth, in going and returning, it is not simony, because these are something temporal altogether extrinsic." So La Croix, no. 91, and others commonly.

X. The Fathers of Salamanca, tract 19, chapter 4, point 5, no. 22: "He who buys a benefice does not do an injustice, but suffers it: for he ought to have received gratis that which, a price being given, he receives; he sins only against religion, the transgression of which does not oblige to restitution. Nor does he who confers the benefice sin against justice, or by divine right make the collation invalid."

XI. Fr. Thomas Tamburini, Book 8, chapter 4, § 4, no. 5: "I assert secondly that all benefices — whether greater, as a cardinalate and a bishopric, or lesser, as a canonry and a chaplaincy; whether having the care of souls, as an abbacy and a parish, or not having it, as the aforesaid canonry and chaplaincy, and the other benefices which are named simple — abstracting from those which are given in competition (of which presently at no. 14) — I assert, I say, that it is enough for avoiding mortal sin if they be conferred upon the worthy and fit, although the worthier or the most worthy be passed over."

XII. Fr. Filliucci, tract 41, in the Appendix, chapter 4, no. 18: "I say fifthly that the opinion which reckons it enough to elect the worthy to benefices which are not given in competition is probable from Trent, session 7, chapter 5 *On Reformation,* saying: *Let them be conferred upon the worthy;* and from the universal estimation in the creation of beneficiaries, cardinals, bishops, abbots, and so forth, who, if they be held among the worthy, the elector is praised and the election is not blamed: but it would not commonly be praised, if it were evil and a mortal sin."

XIII. Fr. Tamburini in the place cited, no. 8: "Since immediately before the Council seems to be content with the worthy, either first it seems by this to wish to signify by "worthier" nothing else than the worthiness of those to be elected, the comparative being taken for the positive; or secondly by a less proper locution it sets down "worthier," that it may exclude the unworthy … or lastly it speaks thirdly, when there is a competition."

XIV. Fr. Thomas Sánchez, Book 2, disputation 15, no. 5: "It is probable that a dispensation of the Pontiff in a ratified marriage granted without a just cause is valid. … And the reason is because it is probable that the indissolubility of such a marriage is of human right."

XV. The Salmanticenses, tract 9, chapter 1, point 6, no. 85: "Betrothals make kisses and embraces lawful between the betrothed."

XVI. Fr. Thomas Sánchez, Book 3, disputation 18, no. 19: "Some limit this opinion, unless they should go to those places in fraud of the decree of Trent, that there they might be able freely to be

joined in matrimony without a parish priest and witnesses: for then, they say, it is invalid. … For the rest this limitation displeases me, and I believe that, even if they should go thither with the end that they might be able freely to contract without a parish priest and witnesses, the marriage is ratified. First: for he who uses his own right cannot be said to commit fraud, so that for that reason the effect be hindered."

XVII. The same Sánchez in the place cited, disputation 38, no. 3: "I conclude thirdly. It is a venial fault to omit those words *(I join you together,* and so forth). … It is proved: because the matter is not grave, since those words are not the form of the sacrament, nor pertain to a solemnity of great moment, nor include a mystery of great signification. Moreover because, although Trent uses preceptive words, yet under that precept there is contained not only that the parish priest bring forth those words, but other things of great moment, namely that the banns be sent before, and that the marriage be celebrated before the parish priest and witnesses, that he have a register, and so forth."

XVIII. Fr. Viva, question 4, article 4, no. 6: "The blessing of nuptials does not seem to be a grave matter, nor greatly conducing to the progress of matrimony. For the nuptial blessing is not a sacrament, but a certain sacramental, nor of so great moment as the sacramentals which are sent before Baptism. But although it is not free from venial fault simply to omit it without any cause against the use and custom of the Church, nevertheless it is probable that there is no fault, from a just cause — namely by reason of a forbidden season, in Advent or Lent — to consummate the marriage before the blessing of the Church, since it seems to be a counsel, not a precept, to send it before."

XIX. The Fathers of Salamanca, tract 9, chapter 19, point 5, no. 41: "Whence almost all the Doctors of our opinion infer, and Sánchez, Book 8, disputation 25, from no. 12, and Palaus in the place just cited testify that it is inferred from it, that if such a dispensation be remitted to the bishop, and he, before he despatch it, should question the contracting parties whether an incestuous copulation has been had between them, they can themselves deny it, even if he question with an oath exacted: and because such a questioning is superfluous, and juridically in such a matter he does not question, they are not bound to answer according to it; and they can assert that there was no copulation between them, and, lest they contravene the truth, retain in mind, *lest we tell it to you.* Nay, even if in the rescript of the Pontiff there come that clause, *Unless copulation has been had between them* — because it is understood of public, not of secret copulation."

XX. Fr. Patrick Sporer, part 4, chapter 1, section 1, no. 428: "It is one thing to consent and take complacency in a copulation thought of as present, and an actual venereal delight from such copulation thought of and actual in the sensitive appetite and in the venereal parts consequent thereupon; which to the betrothed *de futuro,* and to widows regarding the past, is mortally unlawful, and is lawful to spouses alone. It is another thing to consent and take complacency in a copulation thought of as future, and in the venereal delight to follow at some time from such future copulation; which to the betrothed is not unlawful. For since from the betrothal itself contracted, and as it were by an inchoate right, such copulation and delight is to be at some time in the future, they ought not to be saddened by it or to turn away from it; but they can lawfully consent to it, take complacency in it, or rejoice over it, since it is nothing else than to rejoice over the hope of a future good, which hope is present and lawful. So with very many Sánchez, Diana, and so forth."

XXI. Fr. Thomas Sánchez, Book 1, disputation 2, no. 5: "According to the common opinion embraces and kisses between the betrothed *de futuro* are lawful, on the ground that betrothals are a certain beginning of matrimony, and consequently grant a right of using the pleasure of matrimonial copulation. Therefore through betrothals a right in the body is acquired, otherwise no use of it would be granted; and consequently he who violates this right by fornication will be guilty of an injustice committed through fornication, necessarily to be opened in confession." And this opinion is very probable.

XXII. The Salmanticenses, tract 9, chapter 15, point 6, no. 91: "Whether between the betrothed *de futuro* kisses, embraces, touches, amatory words, and so forth are lawful, outside the danger of pollution? It is answered that if such acts be done for the capturing of pleasure, they will be venial sins. … But if for a sign of love, there will be no sin, provided the betrothals between them be absolute and not conditioned. … The reason is because, just as betrothals are a certain inchoation of matrimony, so also those acts are lawful in that state which are in some manner an inchoation and beginning of copulation. Sánchez, Book 9, disputation 46; Aversa; Diana; Bonacina; Azor."

XXIII. Tamburini, Book 7, chapter 5, no. 61, page 193 in my copy: "To the betrothed *de futuro* it is very probably lawful without sin to have certain signs of love, such as kisses, touches, modest looks, and amatory conversations — even on account of the delight residing in them, but without danger of pollution, or of consent to it, or to copulation; but by no means immodest ones. So Thomas Sánchez. … I find one excuse for betrothed persons exercising these unchaste actions with a foreseen but not intended danger of pollution, and without danger of consent to it. For if he were in an occasion in which he would be held UNMANNERLY if he abstained from them, he could usurp them: because there is already present a reasonable excuse."

XXIV. Fr. George Gobat, tract 10, no. 641: "It is certain among all Doctors that kisses, touches, and embraces not immodest are lawfully done between the betrothed, when they are done according to the custom of the country as a sign of benevolence, for conciliating and fostering mutual love in order to matrimony. So speaks Perez. And indeed for the aforesaid end these acts are lawful, although there be present a danger of pollution, provided there be no danger of consent to venereal delight."

XXV. Fr. Thomas Sánchez, Book 9, disputation 46, no. 48: "Kisses and embraces and other touches not immodest are excused from mortal fault between the betrothed *de futuro* by reason of the contract of betrothals entered upon between them. The reason is, because just as matrimony itself makes copulation honourable, so betrothals, which are a certain beginning of matrimony, ought to make honourable touches of this kind, which are a certain inchoation of copulation: chiefly because thus love is the more fostered in order to matrimony (no. 49). And this conclusion is true … although the betrothed intend that delight which arises from those embraces and kisses. Because betrothals, which are the beginning of matrimony, excuse from mortal sin this delight, which is an inchoation of copulation; and it would otherwise altogether be a mortal fault."

XXVI. Fr. Gobat, tract 10, no. 672: "Sánchez in the place cited, no. 49, uses the name of sensitive delight, but by this he certainly understands venereal delight, as is plain. I confess nevertheless that it not rarely happens that a confessor is compelled in practice to suppose the opinion of Sánchez, unless he wish to dismiss such betrothed persons without absolution, as being those to whom he will with difficulty persuade that those embraces, kisses, and so forth are mortal, or, acknowledging them to be mortal, that they should form a purpose of amending themselves."

XXVII. The Salmanticenses, tract 9, chapter 5, point 4, no. 41: "Which is true, adds Sánchez, no. 7, with Aversa and Navarrus, even before the marriage contracted, if he should see invincible ignorance and should not believe that he will acquiesce in his admonition, but with a wounded conscience would contract; or that she who would contract in good faith would with great difficulty and with scandal withdraw from such a marriage. Prudently therefore let the confessor then keep silence — nay, he is bound to keep silence, says Sánchez, no. 7, even if the ignorance be of divine right, for the same reason."

XXVIII. Fr. Claude La Croix with Gobat goes further, Book 6, part 3, no. 541: "Although it be foreseen that the admonition will profit, yet if it be conjoined with a most grave inconvenience of the other party — for example of the proximate one — the confessor is not bound to admonish, but can permit them in good faith. So Gobat, chapter 2, no. 57; and again no. 3, Sporer."

XXIX. Fr. George Gobat, tract 7, no. 315: "What is a confessor to do if he sees a penitent from invincible ignorance obnoxious, for example, to softness, whose gravity being taught he will scarcely abstain from on account of a depraved habit? By these words that question was proposed and applied to this peculiar vice, when it could be to several. But I answered from writings, in that title, chapter 57, no. 61; and, rightly considering the circumstances of that penitent, if it be altogether judged that the admonition will profit nothing at all, but that, the grave crime being known by him to be committed, he will nevertheless perpetrate it more rarely than he did when ignorant of its baseness — THE MANIFESTATION OF THE TRUTH IS TO BE DISSEMBLED BEFORE GOD."

XXX. The same Gobat in the same place, no. 317: "And indeed more than once I have learned that certain men who are inculpably ignorant of the malice of this outrage sin mortally. Therefore, practically speaking, the question is not so much of him who will plainly never omit that sin on account of its known baseness, as of him alone who will scarcely omit it, or, as they say, will scarcely abstain from it, who now and then, even if most rarely, will abstain: whence — alas for the grief! — confessors groan that they know several of this most foul and at the same time most fetid bran. Concerning this also I reckon that opinion of St. Augustine on Morals is to be understood. For an admonition does not so much profit which would only hinder six, eight, or ten formally mortal sins, but will cause two hundred, three hundred, likewise mortal."

XXXI. Fr. Claude La Croix, Book 6, part 3, no. 299: "He who probably thinks a marriage to be valid lawfully asks the debt: both because there is possession for it, and also because someone can here use a probable opinion. … Aversa adds that this holds even if the opinion for invalidity were MORE PROBABLE; and this is conformable to what is said in Book 1, no. 268, concerning the lawful use of a probable opinion."

XXXII. Fr. Dominic Viva, *On the Sacrament of Matrimony,* question 7, article 3, no. 9, page 153 in my copy: "Lastly, if one party have a probable opinion concerning the nullity of the marriage, and at the same time have a probable opinion concerning its validity, he can lawfully ask and render; since he can embrace whichever probable opinion he prefers, even if one be more probable than the other."

XXXIII. Fr. Claude La Croix, Book 3, part 3, no. 302: "If a doubt concerning the validity supervene upon a marriage contracted in good faith, and after inquiry nothing be discovered, nor can the doubt be laid aside, the first opinion, which St. Thomas, St. Bonaventure, St. Antoninus, Soto, Ledesma, Valentia, Vásquez, Azor, Rebello, Pontius, Hurtado, Turrianus, Arriaga, Aversa, and 17 others with

Schildius hold, says that one can indeed render the debt but not ask it, because this seems to be decided in the chapter *Inquisitioni,* under the title *On Sentences of Excommunication.* The second opinion, which Veracruz, Ledesma, Soto, Vitoria, Suárez, Coninck, Layman, Bonacina, Reginald, Lessius, Lorca, Brissius, de Lugo, Bosius, Bardi, Sánchez, Diana, Dicastillo, Terill, Cardenas hold, says that one can even ask the debt. … And this second opinion seems, at least the reason being regarded, to be more probable."

XXXIV. Fr. Dominic Viva, question 7, article 1, no. 3: "It is asked secondly, at what time the conjugal act is unlawful? I answer that it is not unlawful on feast days, or on fast days, nor on the day of communion, nor at the time when the wife is pregnant, or suckles offspring, or suffers menstruation, nor before the nuptial blessings — although it is a counsel to abstain at those times."

XXXV. Fr. Patrick Sporer, part 4, chapter 1, section 3, § 3, no. 490, page 246: "And indeed if a wife should know that her husband is wont to break off the copulation and to pour out the seed, she nevertheless does not sin either by asking or by rendering, provided she herself do not consent nor cooperate: because it does not follow from the wife's action, but precisely from the husband's malice."

XXXVI. Fr. Antoninus Diana, part 3, resolution 57: "A certain man began copulation with his wife, and afterwards on account of the danger of disease withdrew with her consent; but from this a pollution sometimes followed. It was asked of me whether such an act were lawful? I answered in the affirmative."

XXXVII. Fr. Sporer in the place cited above: "Moreover, all danger of pollution ceasing in either spouse, that spouses by mutual consent breaking off a begun copulation, lest offspring be generated, whether on account of want or on account of another cause, do not sin mortally, the Doctors sufficiently commonly teach."

XXXVIII. The same Sporer in the same place: "Who also excuse this from all fault when a just cause underlies it — for example on account of poverty, lest offspring be multiplied on the one part; and on the other part for the allaying in some manner of concupiscence, and for the avoiding of incontinence."

XXXIX. Fr. Thomas Sánchez, Book 9, disputation 17, no. 5: "But if a man should rub his own private parts only on the surface of the preposterous vessel of his wife, or introduce them into her mouth, all danger of pollution ceasing, I should not believe it to be mortal."

XL. The Fathers of Salamanca, tract 10, chapter 8, point 4, no. 52: "But since we have used this distinction, we answer to the difficulty, and explain the condemned proposition so far as it pertains to us. That if flight be neither dangerous nor ignominious to the one assailed, he will incur irregularity by killing the assailant, if by fleeing he could avoid his own loss: because in this it is not enough, and so forth, as the Pontiff says. But if it be ignominious to him — as if he were a noble or a soldier, to whom it is unbecoming to take flight — he can resist the invader, and it is lawful to kill him, not exceeding the moderation of a blameless defence."

XLI. The same Salmanticenses in the same place, no. 54: "We know moreover that Diana and Filliucci, tract 29, chapter 5, no. 133, assert that if flight were in any way ignominious to a cleric or a religious, he could defend himself, nor would he incur irregularity if he killed the invader. And

Leander adds, tract 2, disputation 12, question 58, that clerics or religious regularly and absolutely are in no way bound to flee, that they may avoid the attempt of one unjustly invading; and therefore if they kill in defending themselves, they do not become irregular: because, regularly speaking, flight cannot be found in them which is not either unbecoming, or harmful, or dangerous. We know also that Filliucci, no. 133, felt that even he who by his own fault gave cause to the invader, if he did not foresee the future harm, could resist the invader without incurring irregularity by killing him, even though by fleeing he could free himself. We know also that Fagundez, and out of him Leander, tract 2, disputation 12, question 36, said that nobles or soldiers, who even without a mark could flee, can lawfully resist the invader: because of itself flight is always ignominious to nobles or soldiers, and it is by accident that in such a case it does not follow. The same Leander adds, with several cited, question 37, that even ignoble men or mechanics, who could take flight without danger, would lawfully resist the invader, nor would they become irregular by killing: because in every kind of persons to flee is an infamy, which all are bound to avoid."

These things out of the Salmanticenses I have willed to transcribe, that it may always appear more clearly how putrid and unheard-of is that imposture which certain fabulists spread among the unskilled vulgar, that I transcribe less sincerely and in truncated fashion the lax opinions of certain casuists. Are the Salmanticenses about to say that I have narrated less sincerely, or fraudulently, the aforesaid paradoxes of laxity, which nevertheless they do not all themselves approve? But I willed to transcribe them out of those same men, that I might stop the mouths of those who turn it to their own glory to maintain all casuistical figments. Further, if the cited modern Doctors with not a few others have not feared to defend that even nobles and mechanics and religious, those very men who profess the evangelical counsels, ought not to take flight in order to avoid homicides — because *in every kind of persons to flee is an infamy, which all are bound to avoid* — but can by resisting kill men: if, I say, they have dared to publish these anti-evangelical figments of laxity, evidently contradicting the Gospel crying out, Luke 6, *And him that striketh thee on the one cheek, offer also the other* — let each man gather with how much greater liberty and facility they will have relaxed, tempered, and disturbed the other laws which are not so clear and manifest.

XLII. Fr. Hermann Busembaum, Book 3, chapter 3, doubt 5, in Fr. Claude La Croix, no. 193, page 43: "Hence it is probable what Navarrus, Toletus, and others teach, and Layman does not gainsay, scandal and other things being excluded, that it is only venial to fill oneself with food and drink even to vomiting; and this also IF A MAN VOMIT, THAT HE MAY BE ABLE TO DRINK AGAIN."

XLIII. Fr. Claude La Croix, Book 3, no. 213: "That for the curing or the guarding against of a grave disease, even one not deadly, inebriation is lawful, many teach with Gobat, no. 15, if it cannot otherwise be cured or guarded against."

XLIV. Fr. Busembaum, Book 3, chapter 3, article 1: "If a man after drinking can still discern between good and evil, although his fancy be somewhat disturbed, or vomiting follow, or his tongue falter, his feet waver, his eyes see double, or the house seem to whirl, drunkenness is not yet full; and therefore it is only a venial sin, although among the graver ones, if it be committed deliberately." See Layman in the place cited.

XLV. Tamburini, Book 5, *On the Decalogue,* chapter 1, § 3, no. 37: "When I grieve for another's good as it is diminutive of my own excellence, I do not grieve for another's good absolutely, but formally for my own evil, or for the diminution of my own excellence, which is evil to me. For just as I should

rejoice over another's evil — for example over the death of my father — as immediately causing my own good, namely an inheritance and succession, it would not be a sin according to all, as we have seen above; so on the contrary, if I grieve for another's good as immediately causing my own evil, there will be no fault."

XLVI. The same Tamburini in the same place, no. 40: "And indeed St. Thomas and the other Doctors cited under letter H, when they suppose as certain that envy is a sadness by which a man grieves for another's good as it is diminutive of his own excellence, ARE TO BE UNDERSTOOD to have described envy from its effect."

Chapter II — On the sacrament of extreme unction, its matter and form, on its minister, subject, and the dispositions for receiving it

I. QUESTION I. *Is extreme unction a true sacrament?* ANSWER. Luther, Calvin, and all the Protestants deny it. On the contrary all Catholics affirm it, and prove it by the testimonies of the Scriptures. *Is any man sick among you? Let him bring in the priests of the Church, and let them pray over him, anointing him with oil in the name of the Lord: and the prayer of faith shall save the sick man, and the Lord shall raise him up: and if he be in sins, they shall be forgiven him.* Epistle of James, chapter 5. All things are contained in these words which are required for the character of a true sacrament. There is had a sensible thing, namely the unction, which constitutes the matter; the prayer of the priests, which constitutes the form. There is had a divine institution, for the Apostle writes to the universal Churches that which he had received from Christ the Lord. Lastly the effect of the sacrament is set forth, namely the expiation of sins, if there be any, the alleviation of the sick man, and the restoring of strength for resisting the temptations of the demon, and the health of the body, if it be expedient for eternal salvation. The error of the innovators Trent condemned, session 14, canon 1.

II. QUESTION II. *What is the matter of this sacrament?* ANSWER. The remote is oil pressed from the berries of olives; the proximate is the use of the same, namely the unction. It is necessary that this oil be blessed by a bishop, as all affirm. Theologians dispute on either side whether this blessing be necessary by the necessity of the sacrament, and not merely of precept. To me it is more probable that the blessing is required by the necessity of the sacrament. By pontifical dispensation, which is not granted save upon urgent necessity, simple presbyters can bless this oil.

III. The parts of the sick man to be anointed are the five senses — the eyes, nostrils, mouth, hands, and feet, and also the reins. All five senses are to be anointed by the precept of the Church. It is enough to anoint one eye and one hand. And the article of death urging, it suffices to anoint the head, pronouncing a universal form. But let each man adhere to the Ritual of his own Church.

IV. QUESTION III. *What is the form of this sacrament?* ANSWER. It is the prayer which the minister pronounces. *Let them pray over him,* says St. James. The words of this prayer were not defined by Christ. And therefore the formulas of this prayer in the Greek and Latin Church are various, and all are held as ratified. That a deprecative prayer is sufficient Trent defined, session 14, canon 3. And in the Roman Church it is deprecative.

V. QUESTION IV. *Who is the minister of extreme unction?* ANSWER. Priests alone are the ministers of this sacrament, as Trent defined against the innovators, session 14, canon 4. One presbyter suffices, although formerly several came together, as now seven are employed in the Greek Church.

VI. The parish priest is the ordinary minister. Other priests, who without the parish priest's express or tacit leave should administer this sacrament, would sin gravely, and Regulars would incur excommunication. In extreme necessity nevertheless the parish priest's leave is presumed, and any priest whatsoever can minister it. If a parish priest out of malice were unwilling either to administer it or to grant leave, then any priest whatsoever, whether secular or regular, could administer this sacrament.

VII. A parish priest is bound under mortal sin to administer this sacrament, as the common opinion teaches. In time of plague, if the sacraments of Penance and of the Eucharist had been administered, a parish priest would not be bound with danger of death to confer extreme unction. But if the aforesaid sacraments had not been received by the sick man, then even with hazard of life he would be bound to confer this sacrament. If the sick ask this sacrament, parish priests could not deny it, even if danger of life threatened.

VIII. QUESTION V. *To whom is this sacrament to be ministered?* ANSWER. Among the Latins it is conferred only upon those lying abed. The last period is nevertheless not to be awaited; but while danger of death threatens and the sick man is endowed with reason, it ought to be administered. Extremes are to be guarded against. To sailors, to those waging war, and to those about to be afflicted with the last punishment, this sacrament is not administered.

IX. QUESTION VI. *Whether the reception of this sacrament is under precept?* ANSWER. Some defend the negative opinion. This opinion is to me false. St. James says: *Let him bring in the priests* — words which indicate not a counsel but a precept. Trent, session 14, chapter 3, disapproves those who should say that *this unction is either a human figment, or a rite received from the Fathers, having neither the mandate of God nor the promise of grace,* and so forth. Merbesius, dissertation 9, question 5, reports the following proposition censured by the Sacred Faculty of Paris in the year 1654 as null:

All theologians say that confirmation is not commanded except when it can conveniently be had; or, as others say, when most conveniently; or, as others, when without any, or with the very least, inconvenience at all.

THE CENSURE. *This proposition is scandalous, propounded with a malignant mind to the highest contempt of the sacrament of Confirmation, and can lead into error.*

X. The reason of each sacrament — of Confirmation and of extreme unction — is equal. Therefore the censure of each opinion is the same. What? Has the Catholic Church sacraments idle, indifferent, and instituted in vain? Whence so many endeavours of the Catholic Church against the innovators in asserting this sacrament, if no necessity urged of receiving it? Our opinion is defended by Merbesius, Gennet, Tournely, Antoine, Louis Habert, and other grave theologians.

XI. This sacrament can be repeated, as Trent declared, session 14, chapter 3. Nor in an open matter is there need to dwell longer. If the sick recover, and having relapsed again into a mortal infirmity, they ought to receive this sacrament again. This sacrament is administered after the other sacraments received.

XII. QUESTION VII. *What dispositions ought this sacrament to have?* ANSWER. Some are remote, others proximate. The remote are: 1. That he who is to be anointed be baptized; 2. That he lie dangerously ill; 3. That he be an adult partaking of reason; 4. That he be knotted by no excommunication. The proximate dispositions are: 1. That the receiver be not conscious to himself of mortal sin; 2. That he

approach with great confidence and faith; 3. And that those to be anointed with the holy oil ought to join their own intention and prayers with the intention and prayers which the Church uses.

XIII. The effects of this sacrament are: 1. Sanctifying grace common to all the sacraments; 2. To wipe away the relics of sin; 3. The alleviation and raising up of the sick man. Theologians dispute whether this sacrament remits sins of itself or by accident. But that disagreement is of no moment.

Chapter III — On the sacrament of Order

I. QUESTION I. *What is sacred Order, by which ecclesiastical persons are consecrated?* ANSWER. It is a true sacrament of the new law, by which power is conferred for consecrating the most sacred body of Christ, and for rightly performing the other ecclesiastical ministries and offices, as Trent defined against Luther, Calvin, and the Protestants, session 23, chapter 3.

II. QUESTION II. *Whether there are, and how many, Orders there are?* ANSWER. Seven are numbered, namely the priesthood, the diaconate, the subdiaconate, the acolythate, the exorcistate, the lectorate, and the ostiariate. The first three are called major or sacred; the other four minor. This sevenfold number Trent confirmed in the place cited. It did not nevertheless disapprove the rite of the Greeks, who retain only four Orders.

III. Neither the tonsure nor the cantorate are Orders. The tonsure is a disposition and preparation for the same. Theologians dispute whether the episcopate is a sacrament distinct from the priesthood. St. Thomas denies it. But this disputation does not now pertain to us.

IV. QUESTION III. *What is the ostiariate, and what are its offices?* ANSWER. It is the Order by which a cleric is set over the caring for the sacred furniture of the Church and the guarding of the house of God. Four offices of the ostiarius cleric the Tridentine Catechism recounts, part 2, *On the Sacrament of Order.* 1. He ought to unbar the doors to the worthy and to close them to the unworthy — suppose to unbelievers and the excommunicated. 2. He ought to hinder laymen from approaching nearer to the altar. 3. It is his to call together the faithful people to the divine offices by the ringing of the bell. 4. To preserve the sacred vessels and to guard the furniture of the Church. He ought also to keep watch that all bear themselves modestly in the church.

V. QUESTION IV. *What is the lectorate, and what are its offices?* ANSWER. It is the Order by which power is conferred of reading in the Church holy Scripture and the doctrine of the holy Fathers. Five are its offices: 1. To read the divine Scripture of either Testament; 2. To instruct catechumens and the rude baptized, by explaining the articles of faith; 3. Formerly it was the lector's office to read that part of the divine Scripture which the bishop was about to interpret; 4. To chant the divine praises, and to preside over those singing psalms; 5. To bless new fruits.

VI. QUESTION V. *What is the exorcistate, and what are its offices?* ANSWER. It is the Order by which power is imparted of expelling demons from the bodies whether of catechumens or of the baptized: this is the exorcistate's single office.

VII. QUESTION VI. *What is the acolythate, and what are its offices?* ANSWER. It is the Order by which power is delivered of serving the subdeacon and the deacon in the sacrifice of the Mass. Three are its duties: 1. To prepare the wine with water in the cruets to be exhibited by the subdeacon; 2. To carry

the lights when the Gospel is read by the deacon with solemn rite; 3. To kindle and keep the lamps of the Church.

VIII. QUESTION VII. *What is the subdiaconate, and what are its offices?* ANSWER. It is the Order by which power is delivered of ministering to the deacon and to the priest in the sacrifice of the Mass. Theologians dispute whether that Order be a sacrament. But of this controversy nothing at present pertains to us. In the Roman Pontifical five of its duties are numbered: 1. To offer the chalice and paten to the deacon for the use of the sacrifice; 2. To pour water for the sacrificing priest to wash the tips of his fingers; 3. To receive the oblations from the people; 4. To read the Epistle; 5. To wash the palls of the altar, the corporals, and the purificators.

IX. QUESTION VIII. *What is the diaconate, and what are its duties?* ANSWER. It is the sacred Order by which spiritual power is delivered of serving proximately the sacrificing priest. Three are its offices: 1. Deacons stand ready to the bishop or presbyter performing the sacred rites, and exhibit the matter of the sacrifice, bread and wine, and offer the chalice to be consecrated together with him. They read the Gospel from a higher place solemnly. They separate the unworthy from the worthy with this terrible voice: *Let the penitents withdraw: holy things to the holy.* 2. A deacon by office baptizes, not indeed solemnly, unless as an extraordinary minister. 3. A deacon by force of his ordination is a minister of the word of God, if the preaching be after the manner of a catechesis and without any apparatus. *Deacons are evangelists,* says the author of the book *On Ecclesiastical Dogmas.*

X. QUESTION IX. *What were deaconesses?* ANSWER. Some were the wives whom deacons had married before their inauguration: on this account the wife of a bishop was called *episcopa,* of a presbyter *presbytera,* of a deacon *diaconissa,* of a subdeacon *subdiaconissa.* Both among the Latins were bound to preserve perpetual continence. Other deaconesses were women, widows or virgins dedicated to God for some ecclesiastical ministry. The custom of deaconesses obtained in the universal Church, whether Latin or Greek, from the Apostles themselves. Deaconesses were: 1. Portresses of the women, who were then separated from the men in the temple; 2. They stripped and clothed the women to be baptized; 3. They instructed rustic women. Little by little the deaconesses fell out of use.

XI. QUESTION X. *What is the presbyterate, and what are its duties?* ANSWER. It is the sacred Order by which power is given of consecrating the body of Christ and of remitting sins. Five of its duties are numbered in the Roman Pontifical: to offer, to bless, to preside, to preach, to baptize. 1. To offer the Sacrifice; 2. To bless the persons and things which pertain to their use; 3. Under the bishop's hand to preside over the people; 4. The office of preaching; 5. To baptize belongs to them by ordinary right.

XII. QUESTION XI. *What is the episcopate, and what are its duties?* ANSWER. It is the supreme Order, by which power is given to a presbyter of conferring the sacraments of Confirmation and of Order, and of ruling the Church committed to him, namely the clergy and the people. It is called an Order, because it is the summit and highest point of the priesthood. This Order is conferred upon a presbyter, because no one can be a bishop unless he has first been a presbyter. The power of conferring the sacraments of Confirmation and of Order belongs to a bishop alone.

XIII. QUESTION XII. *Are the individual Orders sacraments?* ANSWER. It is of faith that the presbyterate is a sacrament, as Trent defined, session 23, canon 3. That the diaconate is a sacrament all now affirm: for the diaconate is conferred through the imposition of hands, which is a sensible sign

divinely instituted. That the subdiaconate and the minor Orders are not sacraments very many theologians defend, and they oppose arguments not to be despised. I pass over the controversy undecided. But although the Orders, whether major or minor, were sacraments, yet the sacrament of Order is one, because all are ordained to one priesthood. He who receives these sacred Orders in mortal sin sins mortally. And although the minor Orders were not sacraments, he would not on that account be immune from grave malice who should receive them with a conscience defiled by a deadly crime.

XIV. Some deny that a deacon or subdeacon sins mortally while he exercises his proper office in mortal sin. This opinion is to me false. For these exercise a sacramental ministry. Therefore they sin gravely while with a filthy conscience they profane it. Nor are there wanting those who teach that the minor Orders are sacraments, and at the same time defend that those do not sin gravely who exercise them in mortal sin. Of this opinion the discourse will be below.

Chapter IV — On the matter and form of the sacrament of Order

I. In the celebrated decree for the Armenians Eugenius IV established these things concerning the matter and form of the sacred ordinations: *The sixth sacrament is of Order, whose matter is that by whose delivery the Order is conferred. As the presbyterate is delivered through the holding out of the chalice with wine and the paten with bread; the diaconate through the giving of the book of the Gospels; the subdiaconate through the delivery of the empty chalice with the empty paten placed upon it. The form of the priesthood is such: Receive the power of offering sacrifice in the Church for the living and the dead, in the name of the Father, and of the Son, and of the Holy Ghost; and so of the forms of the other Orders, as is contained at large in the Roman Pontifical.*

II. Resting upon this authority very many theologians defend that the essential matter of the sacrament of Order is set in the holding out of the instruments, and the form in the prayer which is recited while they are held out. But great trouble is made in this controversy by the fact that the Greek Church confers sacred ordinations by the imposition of hands and the prayer alone, no instruments being employed, save after the ordination is completed. What of this, that neither did the Latin Church for a long interval of ages employ the aforesaid instruments? This difficulty has divided theologians into various opinions. That seems to me the more probable which teaches that the imposition of hands is the essential matter and the annexed prayer the form; but that the holding out of the instruments with the words added to it is an accidental and integral matter and form, for the greater expression and declaration of the effect; and the theologians of that opinion contend that Eugenius IV spoke of this accessory matter and form. There is added the perpetual use of the universal Church, which in the ordaining of sacred ministers has always employed the imposition of hands and prayer. That the holding out of the instruments is not the essential but an accessory and integral matter is plain from this, that no vestige of it is had in holy Scripture; that the Latin Church itself through the first ten centuries did not employ these instruments; and that the Greek Church does not use them even at present, whose ordinations nevertheless the Latin Church holds as ratified.

III. For the rest, in practice all those things are to be observed which the Church prescribes. The things which have been said above comprehend chiefly the sacred or hierarchical Orders — the diaconate, the presbyterate, and the episcopate — to whose essential matter the instruments have been adjoined, namely to the diaconate the book of the Gospels, to the presbyterate the unction and

the holding out of the chalice and paten with the sacred symbols to be consecrated. But of the other Orders — namely the subdiaconate and the four minor — the matter and form are the instruments and the prayers which the bishop recites in delivering them. Those who defend that these Orders are sacraments say that in the very holding out of the instruments the imposition of hands is understood. Thus the matter of the ostiariate is the delivery of the keys and of the little bell. The form: *So act as those who are to render an account,* and so forth. The matter of the lectorate is the delivery of holy Scripture. The form: *Receive, and be relaters of the word of God,* and so forth. The matter of the exorcistate is the delivery of the book of exorcisms, or the Pontifical. The form: *Receive, and commit to memory,* and so forth. The matter of the acolythate is the delivery of the candlestick with an extinguished taper. The form: *Receive the candlestick with the taper,* and so forth. The partial matter of the subdiaconate is the delivery of the empty chalice with the paten placed upon it. The form: *See of what sort a ministry is delivered to you,* and so forth. The matter of the diaconate is the imposition of hands with the delivery of the codex of the Gospels. The matter of the presbyterate is the imposition of hands with the delivery of the chalice and paten, the sacred symbols to be consecrated being added. As I have already said, in these three hierarchical Orders — the diaconate, the presbyterate, and the episcopate — the imposition of the hand is express, and has always been used in the Church. Authors dispute whether it be necessary to touch the individual parts of the matter — suppose the chalice, the paten, and so forth. And they commonly teach that it is enough to touch some part of the matter, either the chalice or the paten, and so forth. It behoves that this contact be physical, nor does a moral one suffice, as the more common opinion teaches.

Chapter V — On the minister and subject of the sacrament of Order, and its effects

I. QUESTION I. *Is a bishop alone the minister of this sacrament?* ANSWER. As regards the major Orders all Catholics affirm it, and this was defined in Trent, session 23, canon 7, against the innovators. The inferior Orders only can be conferred by a simple priest, namely the tonsure and the four minor.

II. QUESTION II. *How many bishops are required for the consecrating of a bishop?* ANSWER. By the necessity of precept, three. Several theologians, as Cajetan and Bellarmine, defend that three, or two, are required by the necessity of the sacrament, so that there is no sacrament unless at least two be present. Several others deny this, and contend that an ordination made by one bishop is valid but unlawful. Custom nevertheless has always obtained that a presbyter be ordained bishop by three bishops, the case of necessity being removed.

III. Clerics are lawfully ordained by their own bishop alone, but validly by any bishop whatsoever. The proper bishop is either of origin, or of domicile, or of benefice. The bishop of the benefice is he in whose diocese a man in fact possesses a benefice; of origin, he in whose diocese the ordinand was baptized; the bishop of domicile, he in whose diocese a man has fixed his seat, with the mind of dwelling there in perpetuity. For contracting matrimony it suffices that a man dwell in good faith for a year in some parish, although he be afterwards about to depart. But for the receiving of sacred Orders not even a decade suffices, unless the mind be present of dwelling there perpetually. Since each man is assigned to the Church of that place in which he is ordained. A bishop can ordain his own familiar who shall have dwelt with him for a triennium, and can confer a benefice upon him, as Trent declared, session 23, chapter 9. Fraud would occur if a bishop with the intention of exempting

the ordained man from his own bishop should confer a benefice upon him; in which case the bishop and the ordained man would be obnoxious to the penalties passed by the sacred canons.

IV. A bishop cannot ordain his own subject in another's diocese without the Ordinary's leave, as Trent declares, session 6, chapter 5 *On Reformation.* The bishop of Regulars is he in whose diocese they dwell, as several Councils have established. Concerning this the decree of Benedict XIV given in the year 1746 is to be seen, whose beginning is *Impositi nobis,* and so forth.

V. Dimissorial letters can be granted: 1. By the proper bishop; 2. By his Vicar general, if nevertheless he has received an express faculty; 3. By the Chapter of the cathedral Church, the See being vacant, a year having elapsed from the bishop's death, as Trent established, session 7, chapter 10. These letters a bishop ought not to grant save to those whom he shall have judged fit by his own examination. These letters do not expire by the death of the granter.

VI. QUESTION IV. *At what time are Orders to be administered?* ANSWER. On the Saturdays of the four seasons, on the Saturday before Passion Sunday, and on Holy Saturday. The consecration of a bishop on any Sunday whatsoever. Minor Orders privately on any feast day whatsoever; publicly on the Friday before the Saturday on which major Orders can be conferred, or on the same Saturday. The first tonsure on any day. These are the accustomed times. By privilege sacred Orders can be conferred on other days also. A bishop cannot repel the fit and worthy, since he is not the lord but the dispenser of ordination; just as neither can he ordain the unworthy. Frequently is it sinned in the latter, rarely in the former.

VII. In these ordinations the intervals ought to be observed, as Trent declared, session 23, chapter 11. A subdeacon cannot be ordained unless it be more than a year from the last Order received, nor be promoted to deacon unless a year has elapsed from the subdiaconate received, nor to the priesthood save after a year from the diaconate received. In the time of the intervals the ordained ought to exercise their own Orders. Upon these intervals a bishop can dispense from a reasonable cause with his own subjects.

VIII. QUESTION IV. *Who are apt for sacred Orders?* ANSWER. Males alone can be ordained, women being excluded. The demented and the unbaptized are excluded. For the minor Orders no age is determined by Trent, but only this is established, session 23, chapter 11, that they be conferred upon those who understand the Latin tongue. For the subdiaconate the 22nd year is required; for the diaconate the 23rd; for the presbyterate the 25th. Custom prevailing, it is enough that those years be begun. A higher Order cannot be received, the inferior not having been received. He who should be ordained by a leap would by that very fact remain suspended from the execution of the superior Order, the inferior being received.

IX. QUESTION V. *Does he who receives Orders without being confirmed sin mortally?* ANSWER. Trent, session 23, chapter 4 *On Reformation,* establishes these things: *Let them not be initiated with the first tonsure who have not received the sacrament of Confirmation.* Wherefore the graver theologians teach that they sin mortally who knowingly, Confirmation being omitted, receive the tonsure or the other Orders. Fr. La Croix, no. 2325, reports Busembaum with two others who teach that it is only a venial sin. And this opinion, says Fr. La Croix, no. 2325, is the more probable. *Because where* (he says) *the question is of contracting a mortal sin, an obligation is not to be imposed unless it be certain.* A robust reason! But neither, I say, is it to be taken away, unless it be more certainly established that no obligation is

present. And as regards this knowledge it is safer to receive more certainty than the Angelic determines. Unless something more express be had, it is determined equally by denying and by affirming. In doubts therefore the safer part is to be chosen, all the figments of the Relaxers being dismissed. It is certain that he commits an evil who, Confirmation being neglected, receives Orders. What therefore is to be done? I decline the evil, and do the good.

X. QUESTION VI. *Of how many kinds is a clerical title?* ANSWER. Threefold: ecclesiastical, patrimonial, monastic. A title generally is taken for a right to possess anything lawfully. Wherefore the ecclesiastical clerical title is the right of enjoying the goods of the Church. This right is now acquired through a benefice peacefully possessed, or through a clerical pension. In the first ages of the Church men were not ordained unless assigned to a Church: ordination itself was the title by which the right was granted to a cleric of receiving sustenance from the goods of the Church.

XI. A patrimonial title is the right of perceiving fruits from goods other than those of the Church, which come to the ordained man either by gratuitous donation or by hereditary succession.

XII. By the ecclesiastical title alone, the patrimonial being excluded, clerics were ordained down to the tenth century, being assigned to a determinate Church. And by this title they received sustenance from the Church, and it was not permitted them to pass to another Church.

XIII. In these times, and chiefly after the eleventh century, a vicissitude of ecclesiastical discipline was brought forth. Among very many other documents, in Trent, as Cardinal Pallavicino narrates, Book 7, chapter 9, it was most keenly disputed against the patrimonial title; and for the restoring of the ancient discipline very many most holy Fathers laboured with the highest zeal, saying that priests loosed from the bond of an ecclesiastical title are like horses destitute of a bridle. The sacred Synod, suffused with divine light, that it might meet the evils of either kind, framed a most salutary rule, which if it were observed, ecclesiastical discipline would be restored. First it established that a bishop should ordain no one, even under the title of a patrimony, whom he had not judged useful or necessary to his Church. *But those obtaining a patrimony or a pension* (it says) *can not hereafter be ordained, unless the bishop judge them to be assumed for the necessity or convenience of his Churches; it being first proved that they truly obtain that patrimony or pension, and that such is a right for them sufficient for sustaining life.* But that the Tridentine Fathers might meet all the evils which had been exaggerated against clerics assigned to no Church, the holy Synod forbade, session 23, chapter 16 *On Reformation,* that anyone thereafter be ordained who is not assigned to some Church. *Since* (it says) *no one ought to be ordained who in the judgment of his own bishop is not useful or necessary to his Churches, the holy Synod, treading in the footsteps of the sixth canon of the Council of Chalcedon, establishes that no one in future be ordained who is not ascribed to that Church or pious place for whose necessity or utility he is assumed, where he may perform his duties, and not wander in uncertain seats. But if he should forsake the place without consulting the bishop, let the exercise of sacred things be interdicted him.*

XIV. Behold ecclesiastical discipline restored to its primeval splendour. Nothing is lacking, save that bishops exactly observe what Trent prescribes in promoting men to sacred ordinations. Whether today there be more clerics assigned to no Church than those who are assigned, let others judge.

XV. The third title is the monastic, by force of which Regulars are ordained, which title is called of poverty. For these are sustained from the goods of the Church, or of the house in which they made

profession. Very many things concerning this title, and concerning life-pensions, which accompany the same, would have to be said. But they have been said elsewhere.

XVI. QUESTION VII. *How many are the effects of the sacrament of Order?* ANSWER. Three: 1. Sanctifying grace; 2. Sacramental grace, greater or less according to the diverse disposition of those receiving it; 3. The character is conferred. The character is a sign of Christ indelibly imprinted upon the soul. Very many other effects are wont to be recounted, such as are the obligation of preserving chastity by force of the annexed vow, of reciting the canonical hours, the privilege of the canon, of the forum, and others which are not effects of the sacrament, but obligations or privileges which follow upon the clerical state.

Chapter VI — On the vocation of those to be initiated, and the signs by which it can be discerned

I. The vocation of which the discourse now is can be described as being an act of supernatural providence, by which God chooses these men rather than those, and prepares them with endowments consonant with the sacred offices to be performed. The priestly state is supernatural, for which no one is fit by his own industry and labour; and therefore a supernatural providence is necessary, which may direct and confer helps consonant with so great a state. Those whom God calls to this state, he prepares with opportune endowments.

II. The necessity of that divine vocation the holy Scriptures manifest. Christ the Lord, who was made the exemplar to be imitated by us, was foreordained a priest according to the order of Melchisedech, as is had in Psalm 109. He came not of himself, but sent by the Father, that he might be for us a Pontiff, says St. Paul, Hebrews 7, *holy, innocent, undefiled, separated from sinners, and made higher than the heavens.* Wherefore he himself cried out in the temple, teaching: *I am not come of myself, but he that sent me is true.* John 7. He, being sent by his Father, called the Apostles to the same priesthood; *he called unto him whom he would himself.* Mark 3. When the Apostles had to substitute one who should fill the place of Judas, they implored from God signs by which the one to be elected might be manifested: *Show whether of these two thou hast chosen.* Acts 1. Those who dare, not being called, to occupy this dignity, are thus disapproved by Christ: *Amen, amen I say to you, he that entereth not by the door into the sheepfold, but climbeth up another way, the same is a thief and a robber.* John 10. He subjoins in the same place: *By me, if any man enter in, he shall be saved.* Lastly St. Paul, Hebrews 5, says: *Neither doth any man take the honour to himself, but he that is called by God, as Aaron was. So Christ also did not glorify himself, that he might be made a high priest: but he that said unto him: Thou art my Son.*

III. The things which hitherto have been said out of the holy Scriptures could be confirmed by the examples of the holy Fathers. The more they shone with holiness, the more strongly did they either refuse ordination or, being expressly called, gave assent. Innumerable examples could I adduce, which the brevity set before me does not suffer.

IV. The divine vocation is as it were the fount and root of the graces and gifts which confer strength equal to the sustaining. The vocation being taken away, the necessary safeguards are lacking; and it being posited, all things succeed prosperously. Those who, God not calling, but either the dignity of splendour alluring or the little gain of revenues impelling, receive sacred Orders, cannot please God. Would the services of servants be pleasing to their masters which were performed against their will?

Let us hear Christ himself speaking, Matthew 15: *Every plant which my heavenly Father hath not planted, shall be rooted up.* Again John 15: *Every branch in me that beareth not fruit, he will take away.* Those words are to be noted, *in me.* It is not enough to bear fruit. It must be seen whether they be in God: *in me.* Lastly Matthew 7: *Many will say to me in that day: Lord, Lord, have not we prophesied in thy name, and cast out devils in thy name, and done many miracles in thy name? And then will I profess unto them, I never knew you: depart from me, you that work iniquity.*

V. Who, meditating these oracles, O Christ Jesus, does not tremble in all his limbs? Who does not see how tremendous and fearful is the deliberation of choosing thy sheep, without imploring the mercy of God and the grace of vocation? What then, you will say, are so many priests, so many pastors to be reckoned, who, no prayer being sent before, no examination of vocation being made, undertook that state? Will they therefore sow in another's field, whence they cannot reap? Do they run in vain, since they are not sent by God? Ought they to forsake this state? If the state can be forsaken, as the government of souls, without doubt it must be laid down when grave signs occur that the vocation to such a state was lacking, and that the gifts of vocation are lacking. For the rest, the secret of the divine vocation lies hidden from us, and is open to God alone. Saul was called, Judas was called; both were disapproved. The beginnings of others' vocation appeared evil to men; but the pursuit was good, the outcome holy. Of Catholics few are chosen; many are called. No one nevertheless ought to despair of his own salvation. But all ought to busy themselves with pious prayers and laborious works, that they may make their own vocation certain and holy. No one can forsake his own state, from which he cannot recede without sin.

VI. Nor should you object that the doctrine given turns many away from the religious state: since I reply, Would that it were true, that it turned away very many of those who enter in troops not through the door, but otherwise, as thieves and robbers. *For it is better* (says the Fourth Lateran Council) *chiefly in the ordination of priests, to have a few good than many bad.* Here let those consider again who, that they may fill Churches, monasteries, convents, and colleges, under pretext of the necessity of propagating offspring and of filling their seats, admit indiscriminately the lame, the humpbacked, the blind, and the dissolute. Here the propagation is heavenly, spiritual, and divine. It ought to proceed from God, not from human industry.

VII. QUESTION I. *What are the signs of a vocation to the religious and priestly state?* ANSWER. Those are not called to sacred Orders whom defects of body and of mind render unfit for performing the sacred ministries. Defects of body are plain to all. Of defects of mind some are ambiguous, others probable, others almost certain. Of defects of mind some are as it were implanted by nature, and are called defects and vices of nature: as a fierce spirit, a savage or stern disposition, or a soft, flowing character unstable to every wind; a blunt, leaden, stupid talent, altogether inept for acquiring the necessary sciences. Others are moral and voluntary, as anger, pride, ambition, and vicious habits. Those who labour under vices of nature are not to be promoted to the sacred duties. Shall priests of a fierce disposition allure the flock? Shall pastors of leaden and blunt talent pour forth the divine eloquences upon the people? If they be of a soft and flowing character and an effeminate nature, they lack evangelical fortitude, by which they may repel ravening wolves and press down the proud. But at their sides, they say, sit fit ministers, by whose help they direct the flock. O men most wretched in their own ways! Are pastors therefore made for the state, and ministers for the doctrine? And the ministers lack the grace of vocation, and lack the abundance of heavenly gifts: since these have been

intruded for the most part not by God calling, but by human artifice pandering. It is a most pernicious illusion to wish to compensate the ineptitude of a pastor by the skill of ministers.

VIII. Moral defects of mind, because voluntary, can be corrected, chiefly when the vocation is true. A different judgment is to be formed of these and of incurable vices of nature. For if a keen talent, an excellent disposition, fortitude of mind, and the other endowments of nature be present, crimes and vices can be amended. Let a prudent director prescribe to penitents an exercise of piety; let him scatter the seeds of virtues; and from the fruits he will gather whether the plant is to be transferred into the heavenly garden.

IX. The signs of a divine vocation in a youth to be promoted to sacred Orders are: 1. If the youth be torn away from the delights of the world and severed from the enticements of the world; 2. If he feel himself kindled not for a private life to be led with himself, but for service and the salvation of his neighbour, and for fulfilling the work of God; 3. If he be affected with a study of prayer, that by its help he may be able to explore the divine will: for prayer is a commerce with God, and joins the soul to him, and asks the necessary gifts; 4. An ardent desire of attaining sacred Orders. This sign nevertheless is frequently false, as proceeding from a cupidity of gaining bread, or of obtaining a dignity, not from a love of serving God. For very many seek the clerical state because they are incited to it by their parents, because they hope thence to unburden their family. Others, pressed by the want of family means, refuse to labour with their own hands, as the Apostle Paul did, to dig and to harrow; and they consider the clerical state as it were an art and profession by which without labour and sweat they can conveniently attain food and clothing. Wherefore the signs recounted are ambiguous, and it will be the part of a prudent director to detect, according to the diversity of circumstances, which is a true and which a painted vocation. But the matter has come to such a pitch of evils that very many, no counsel being sent before, assume a state out of their own inclination, and not all bishops are vigilant in exploring the vocation of those to be ordained.

X. QUESTION II. *Is it lawful for clerics to seek ecclesiastical dignities and the government of souls?* ANSWER. Those who seek the government of souls — namely the episcopate, a parish, and so forth — are either foolish or proud. St. Thomas turns over this question at large, II-II, q. 185, art. 1, where he distinguishes three things: 1. There is the office, which regards the worship of God and the utility of the neighbour; 2. There is the loftiness of grade, by force of which a pastor rules over subjects; 3. There are the revenues and the service of subjects. The desire of labouring and working in the vineyard of the Lord is good; but as it is borne toward dignities, honours, grades, and temporal emoluments, it is vain and ambitious. Very many say: I desire to avoid idleness, and to attain an occupation of labouring and working in the vineyard of the Lord. Under this mask iniquity lies to itself, and cupidity lurks, and ambition creeps. *If a man desire the episcopate, he desireth a good work,* says Paul: Jerome subjoins: *a work, not a dignity; a labour, not delights, by which humility may decrease, not swell with loftiness.* If these men truly wished to labour in the vineyard of the Church, is it not open to all? Let them visit the hospices and console the sick; let them go to the country districts and the mountains; let them instruct the rude, teach the ignorant, unteach the erring, succour the poor, preach the word of God. Let them go to the bishop and say: *Behold me, send me.* What? We wish to send, not to be sent; to command, not to obey; to be served, not to serve; to be exalted, not to exalt. This assuredly is the legitimate and genuine answer.

XI. What of those who play the courtier and solicit patrons, that they may procure for themselves a bishopric or a parish; who serve matrons themselves, that they may bind their lovers to intercede and to procure a grade and a dignity? These are the vilest bondmen of ambition, thieves and robbers, who, being unable to enter through the door, take care that ladders be applied to the windows, that they may be able to ascend, and study to be helped and raised up by any men and women whatsoever. They prate that in this age all things are so distributed that, unless human industry and offices and procurations be employed, all lie prostrate, and no one is promoted. I distinguish. That no one is promoted without offices and procurations: by man, I concede; by God, I deny. Tell me: do you wish to be promoted by man or by God? By God, you say. Why then do you prate that human industry is necessary? Is God ignorant of your endowments and your aptitude? Or if he shall have judged you fit, does he not dispose by his infallible providence that you be set over the Church to be governed? You press that God does not work miracles without necessity, and does not forbid but command human industry. Human industry indeed God requires in all those things which depend upon man, otherwise in those which he has reserved to himself. The vocation to the government of the Christian Church is the work of God alone. Do not the sacred canons themselves forbid offices and procurations of this kind? But why do we pour forth more words? Unless those who preside reject all those whom they shall know to prepare for themselves a way to grades and dignities of the Church by offices and ambition, our labour is in vain. Truth is of itself clear. It has need of execution, not of persuasion.

Chapter VII — On the things which clerics ought to perform, and on those from which they ought to abstain

I. QUESTION I. *Do clerics sin mortally who wear neither the clerical garb nor the tonsure?* ANSWER. The graver theologians affirm it; innumerable Councils command under penalty of excommunication that clerics wear the tonsure and the clerical habit openly, and that they nourish not long hair. The probabilists define all things otherwise. Fr. Claude La Croix, Book 4, no. 1371, reports the opinion of Gobat denying that it is mortal, if scandal and contempt be absent. The same opinion concerning a cleric nourishing hair he reports at no. 1373, and writes that it is more common and more probable that such a cleric does not sin mortally, although bishops and synods threaten such men with excommunication: because, he says, a threat does not always indicate a grave precept. Synods and bishops therefore perpetrate an injustice, threatening a most grave penalty for a light fault. Even if a grave threat did not always indicate a grave precept, does it therefore not indicate one in this case? And so it will be said in another case. And by these little distinctions the most salutary sanctions of synods and bishops are eluded. Casuists of this kind are to be asked by what right they wrest the decrees of synods and bishops to their own petty thoughts. Who conferred authority upon them so frequently to extenuate ecclesiastical and divine laws and to accommodate them to human appetitions? What of this, that the graver probabilists do not excuse such clerics from grave fault, as the most learned presbyter Bonus Merbesius adverts, dissertation 6, question 15, saying: *And indeed those casuists themselves, most of whom are versed nothing in unrolling the sacred letters, nothing in reading the holy Fathers and the Councils, but, trusting to I know not what, have all faith in all things, have gone over to that part, that they should reckon the neglect and omission of the tonsure and of the clerical habit among mortal sins; and moreover should assert that men conscious of such an omission are struck, or to be struck, with the anathema of excommunication.*

II. QUESTION II. *Do clerics sin who accommodate the clerical habit to the form of the lay habit, and wear borrowed and curled hair sprinkled with odoriferous powder, the tonsure scarcely appearing?* ANSWER. What shall I mutter against the torrent, and indeed the foaming torrent, of human custom? Shall I send forth the sound of my voice against a common and prevailing corruption? Shall I blush at the doctrine of the Councils and of holy mother Church and at the Gospel of Christ? God forbid. The clerical state shines among all ecclesiastical orders, whose Patriarch is not a man but Christ himself, who called the Apostles and their successors. The clerical and monastic habit fights in hostile fashion with luxury, display, and worldly vanity. What if cloistered men should accommodate the monastic garment to the form commonly called the new fashion? What if curled, long-haired, crisped, wide-sleeved, they should wear hair sprinkled with Cyprian powder? All would cry out: What monsters are these? Have the cloistered gone mad? The exclamations and wonderings would be most just. But is not the clerical state itself excellent and eminent? Therefore it ought to stand further from the vanity, luxury, and pomps of the world. The Tridentine Fathers and the other theologians laboured so greatly that they might maintain against the innovators that the clerical garb is distinct from the lay; and very many clerics now by deed deny the doctrine defined in Trent. Nay, in some places laymen wear the clerical garb and clerics the vain pomps of laymen. What does it matter that the garment be black, if the form and the ornament breathe vanity? Although several wear not a black but a shining and gilded one, chiefly when they go into the country and make journeys. Let us hear the Tridentine Fathers, who cry out, session 14, chapter 6 *On Reformation: But so great today has grown the rashness of some, and the contempt of religion, that, holding of small account their own dignity and clerical honour, they wear even publicly lay garments, setting their feet in different places, one in divine things, the other in carnal.*

III. But what is to be said of those confessors who absolve clerics of this kind — sleek, brawny, bearded, long-haired, crisped, and curled — everywhere rattling with display, venery, and satanic pomp, and send them to the altars to sacrifice? *With what conscience and religion* (says Merbesius in the place cited) *do confessors bestow upon them the benefit of absolution, being about to experience the extreme punishments with clerics of this kind preserved?*

IV. QUESTION III. *Do clerics sin mortally who accept a benefice with the mind of forsaking the clerical state if opportunity should occur?* ANSWER. Theologians commonly affirm it, because those clerics circumvent the Church in a grave matter, and steal the sacred revenues, since they have not been called into the lot of the Lord. Some affirm that these sin mortally if the care of souls be annexed to the benefice, otherwise if the benefice be simple. The distinction is vain, because in either case the Church is circumvented in a grave matter, although more enormously in the one case than in the other.

V. QUESTION IV. *From what things ought clerics to abstain?* ANSWER. The Council of Milan enumerates several things from which clerics are bound to abstain: 1. They ought not to mingle themselves in profane businesses; 2. To abstain from the art of measuring; 3. From businesses and merchandise; 4. From renting estates for the sake of gain; 5. From undertaking the guardianship or care of others; 6. From going surety for others; 7. From service to be furnished to women; 8. They are bound to abstain from games of dice and from clamorous hunting. That I may begin from these last.

VI. QUESTION V. *Do secular presbyters sin who serve as handmaids to matrons?* ANSWER. The present-day corruption, by which presbyters serve lay families, and under pretext of educating children transact the affairs of the family, serve mistresses and matrons, and hold out consecrated hands by which they support them as they walk, is monstrous and horrid. These presbyters disfigure the priestly dignity,

and hold cheap their own character, and profane the sacred grade. Bishops with an evangelical breast ought to keep presbyters of this kind from the altar and to interdict them from sacred things.

VII. QUESTION VI. *Whether trade is interdicted to clerics?* ANSWER. All absolutely affirm it. For St. Paul says, 2 Timothy 2: *No man being a soldier to God entangleth himself with secular businesses.* Not a few casuists have devised several opinings, all of which after his manner Fr. La Croix collects, Book 3, part 1, nos. 997 and following. First he asserts that a cleric can buy something to consume, and sell it at an increased price, hoping to buy it more cheaply. *For it is,* he says, *an act of economic prudence.* Sacred, or rather profane? He adds there, nos. 999 and following, that Manriquez and Derbenne, on Gobat's testimony, teach that presbyters can buy grapes and sell wine. He adds at no. 1000: *Gobat,* he says, *thinks that in Germany it is lawful in monasteries to sell wine and bread through servants. For this is not properly to keep a tavern or to trade, but to sell one's own to passers-by.* This not only in Germany, but also in Italy and elsewhere. Through that particle *properly* all the canons are eluded which forbid trade and merchandise to clerics, and chiefly to the cloistered. Very many other opinions favouring the trade of clerics Fr. La Croix reports, which I have indicated in Vol. X, Book 2, dissertation 2, chapter 11. Now I pass them over, and let it be enough to admonish the reader that he abstain from those things which are less becoming to a cleric.

VIII. QUESTION VII. *Whether hunting is interdicted to clerics?* ANSWER. All absolutely affirm it; innumerable are the canons prohibiting the same. Clamorous huntings are forbidden, namely those performed with dogs, birds, and arms, suppose fowling-pieces. But quiet huntings, without dogs and birds and fowling-pieces, but with nets and snares alone, are lawful to clerics, as is gathered from Trent. Fr. La Croix, Book 4, no. 1574, says: "Those prohibitions are now so mitigated that if they be done for the sake of recreation without great clamour, scandal, or contempt, mortal sin is not easily committed. Navarrus, Molina, Turrianus, de Lugo, MS. Suárez, Sá, and Castropalao add that they are excused even from venial, if the hunting be rare and moderate and for the restoring of strength."

IX. I confess that I am shaken with grave fear and trembling, when on the one hand I see the Supreme Pontiffs, bishops, and sacred synods threatening excommunication to clerics not wearing the clerical garb, and prohibiting merchandise, hunting, and so forth; and when on the other hand I see the cited casuists erecting a tribunal above the Pontiffs, bishops, and Councils, and crying out to clerics that those prohibitions are now so mitigated that violators do not sin mortally. Fr. La Croix subjoins in the same place, no. 1576: "Dicastillo, no. 300, thinks that hunting even with apparatus and clamorous is not forbidden to clerics, unless it be done frequently; and he adds with Cajetan, Navarrus, Sylvester, Bannez, Molina, Tuty, and Diana that, although it be done frequently, he does not dare to condemn it of mortal sin, if it be done for the sake of recreation."

X. Like interpretations stalk through the whole of theology, and the divine laws themselves are accommodated with limits and little distinctions to the morals of men. What does it profit that sacred Councils, bishops, and Pontiffs frame canons for the reformation of discipline, if very many continually teach clerics and the people that the canons are today so mitigated that they do not oblige under mortal sin, nay not even under venial, if the things forbidden be done for the sake of recreation? Assuredly all clerics will confess that they hunt, play, and trade for the sake of recreation, and several other things which I pass over in silence. Why do we wonder if we see discipline, both ecclesiastical and monastic, never reformed but on the contrary daily relaxed? Whether very many

casuists be the cause, and whether it is to be forbidden them to dare to mitigate the sacred canons, let the wise judge.

XI. QUESTION VIII. *Whether games of dice are forbidden to clerics?* ANSWER. Not only ancient but also recent canons forbid to clerics games of dice, or of fortune and chance. The Fourth Lateran Council under Innocent III, canon 16, says: *Let clerics not play at dice and knucklebones, nor be present at games of this kind.* The Gloss adds several things, and cites Novel 123, chapter 10, where these things are had: *But we interdict most holy bishops, presbyters, deacons, subdeacons, lectors, and all others … to play at tables, or to become partakers or spectators with others playing, or to come to any spectacles whatsoever for the sake of beholding.* The Council of Trent, session 22, chapter 1 *On Reformation,* among the several things which it prescribes concerning the life and honesty of clerics, inculcates these: *The holy Synod establishes that the things which have been otherwise abundantly and salutarily sanctioned by the Supreme Pontiffs and by the sacred Councils concerning the life, honesty, culture, and doctrine of clerics to be retained, and likewise concerning luxury, revellings, dances, DICE, GAMES, and any crimes whatsoever, and concerning secular businesses to be fled, be in future observed under the same or greater penalties to be imposed at the Ordinary's arbitration; nor let an appeal suspend this execution, which pertains to the correction of morals.*

XII. Fr. La Croix, Book 4, no. 1570, reports Salas, Molina, Rebello, Aversa, and Castropalao interpreting that the custom of playing is forbidden, but by no means one or another occasion. Nay, he adds that Sá and Valentia excuse even the custom of playing from mortal sin, if it be not done for the sake of gain but for the sake of recreation. Nay, he says, Salas thinks that the prohibition of these games does not extend to lay religious, because the text has it only of clerics. But the common opinion holds the opposite, he concludes.

XIII. Clerics reading these things, and forestalled by the allurements of Probabilism, begin, supported by the authority of the cited casuists, to play one and another time. From repeated occasions a custom is made, and then, with Sá and Valentia patronizing them, they say that they play for the sake of recreation and not for gain. For this is something accessory. At last, with Salas patronizing them, they conclude that this custom does not extend to lay religious. Since, they say, the cited authors are grave, upright, and classic. But do thou, reader, figments of this kind being dismissed, seriously bend thy mind to the doctrine of the Councils, chiefly of Trent, and abstain altogether from games of dice. Do not begin, unless thou wilt pursue and contract a depraved custom. Scarcely have I read any one of the cited casuists who with fervent zeal and diligent study promotes the observance of the sacred canons; but they direct their endeavours and studies through almost the whole of theology to mitigating, softening, tempering the laws and canons, and accommodating them to human frailty. But whether this be so, be thou thyself, reader, the judge.

XIV. Clerics walking about masked sin mortally. Diana, Vol. VII, tract 5, resolution 6, says: *I think there is no receding from the common opinion of the Doctors, namely that in such a case secular and regular clerics commit a mortal sin.*

SECTION, THE ONLY ONE — On the knowledge of those to be ordained

I. God repels from the priesthood those ignorant of holy Scripture. *Because thou hast rejected knowledge, I will reject thee, that thou shalt not do the office of priesthood to me.* Osee 4. And the Evangelist Matthew, chapter 23, cries out: *Woe to you, blind guides.*

II. All affirm that knowledge is required in those to be ordained; but few explain what kind of knowledge is necessary. The knowledge which the Prophets and Evangelists inculcate is the knowledge of holy Scripture. St. Paul, 1 Timothy 3, says: *All Scripture divinely inspired is profitable to teach, to reprove, to correct, to instruct in justice: that the man of God may be perfect, furnished to every good work.* First therefore the study of holy Scripture is necessary, that the true image of the Christian spirit may be formed. Instructed with this divine knowledge, you will be able with unstumbling foot to read the moral authors also: because then you will know how to discern the true from the false. Not only the divine Scriptures themselves, but all the Councils and Fathers inculcate the study of the divine law dictated by God himself to the sacred writers. The Second Nicene Council, canon 2, says: *The substance of our Hierarchy is the divinely delivered eloquences, and the true knowledge of the divine Scriptures.* Again, distinction 38, chapter *Cum ignorantia,* these things are had: *Let priests therefore know the holy Scriptures and the Canons.* God will reprove thee for the neglect of the Scriptures; and he will judge according to the mandates of his law described in holy Scripture. It pleases me to transcribe hither the words of the distinguished theologian Louis Habert, *On the Sacrament of Order,* part 2, chapter 8.

III. "Away therefore with those modern moral theologians who in the books published by them establish the doctrine of morals by petty reasonings and probable — not to say sophistical — arguments, and scarcely remember the sacred Scriptures, save that they may bend their sense to preconceived opinions; and they proceed so far as to pronounce as suspected in the faith those who assert that, as the dogmas of faith, so moral conclusions are to be sought from the sacred Writings, from the canons of the Church, and from the writings of the holy Fathers. It would be worth the labour that hierarchical men should have collected in their possession the propositions excerpted in great number from books of this kind, and censoriously noted both by the Supreme Pontiffs and by bishops in various places, and chiefly by the Gallican ones in the years 1655 and 1700, and also by distinguished Academies."

IV. But if in clerics to be ordained, if in parish priests, if in confessors the study of the Scriptures is required, what shall be said of bishops? These, since they are the teachers of the Christian people, ought much more deeply than the other subaltern ministers to be skilled in the Scriptures, the canons, and the Fathers, that they may be able to imbue others with sound doctrine, and to assume into their own help those worthy and apt for the profit of the Church, but to keep off and repel the unworthy and unfit from the ministry.

Dissertation II — On simony

Chapter I — The definition of simony, its various species: and what things have the character of a price for contracting simony

I. QUESTION I. *What is simony?* ANSWER. Simony, named from Simon Magus, is *a studious will of buying or selling something spiritual or annexed to a spiritual thing,* as St. Thomas says, II-II, q. 100, art. 1. The first particle *studious will* betrays a deliberate action of the will. The other, *of buying or selling,* sets forth every onerous and not gratuitous contract, by which a spiritual thing is bought, sold, let out, exchanged, or transacted for some temporal price, or for some thing appraisable at a price. The last particles signify something proceeding from God as supernatural author, or directed to God as author of salvation.

II. This spiritual thing is threefold. 1. One is spiritual in itself, as grace, ecclesiastical jurisdiction, infused virtues, the gifts of the Holy Ghost given gratis, the working of miracles, the interpretation of tongues, and so forth. 2. Another is spiritual as effecting, as the sacraments. 3. There is the spiritual produced by a spiritual cause, as dispensations in vows and oaths, absolution from censures, to bury the dead, to sing in choir, and so forth. Annexed to a spiritual thing happens in two ways: either because it is antecedently conjoined with a spiritual thing, as are ecclesiastical benefices, which suppose the clerical Order; or because it accompanies, or follows, a spiritual thing, or is ordained to a spiritual thing, as are sacred vestments, sacred vessels, temples, the relics of Saints, and the right of patronage of presenting to benefices.

III. QUESTION II. *Of how many kinds is simony?* ANSWER. Twofold. One of natural and divine right, which is by its own nature evil, and which is committed while those things which are spiritual, or annexed to spiritual things — as graces, sacraments, ecclesiastical jurisdiction, gifts, virtues, and so forth — are sold or bought. The other is of ecclesiastical right, which is evil because forbidden: this is set in the exchange and resignation of benefices, and so forth.

IV. Simony is further divided into mental, conventional, real, and confidential. That is called *mental* which stops within the mind, which can happen in two ways: 1. When someone by an internal purpose deliberates to commit simony; 2. When he indicates it outwardly. *Conventional* arises from the mental; and it is an express or tacit convention of giving a temporal for a spiritual thing, or the contrary: but on neither side is it committed to execution, or only on one. *Real* follows upon both, and is committed to execution, either in part or in whole, of that which had been conceived in mind and outwardly agreed upon. *Confidential* is when someone procures a benefice by electing, presenting, resigning, or by another way, with a confidence or agreement, express or tacit, that he for whom it is procured shall resign it either to the procurer or to another, or shall render a pension or the fruits from it.

V. QUESTION III. *Whether a feigned simoniac commits true simony?* ANSWER. A feigned simoniac is he who promises a price for a benefice, with the mind of not obliging himself nor of delivering it. That this man sins most gravely all affirm. But several deny that he is a simoniac. The opposite opinion is to me true. The exterior promise of giving a price collides with the interior intention. The former

opinion opens a most broad way of obtaining and retaining benefices by these feigned simonies. For the rest the case is rare, because sellers of spiritual things are not wont to be less crafty and cunning than buyers; and unless they be secure and rely upon the price, they do not sell.

VI. QUESTION IV. *What things have the character of a price in simony?* ANSWER. A gift from service, from the hand, from the tongue. A *gift from service* is a subjection offered, as to serve the collator of a spiritual thing, to sit by him, to attend him, to teach and instruct, and so forth. A *gift from the hand* is money, and whatever comes under the name of money, whether delivered or promised. A *gift from the tongue* is favour, praise, encomiums, prayers, supplications, adulations, and other things of this kind. A general and precise rule cannot be designated as to when simony is perpetrated in a gift from service and from the tongue. The delivery or promise of money is almost never a gratuitous gift. If a bishop should confer a benefice upon a minister on account of services rendered or to be rendered without salary, he commonly commits simony, even if no agreement intervene: since the deed speaks, and obtains the place of an agreement.

VII. Commonly gifts from the tongue and from service, if they be gratuitous, do not bring it about that the collation of a benefice is simoniacal. But rarely are they gratuitous and sincere testimonies of an ingenuous mind. Some distinguish between offering principally and less principally. The distinction is absolutely true. But in practice it is most difficult to distinguish the confines of the primary and secondary of this distinction, and a crafty mind transforms itself and puts on a mask. Wherefore both candidates and collators ought to abstain from gifts of this kind. Those who are worthy do not need these prestiges.

VIII. A gift imposed under an obligation contains simony, since such an obligation is appraisable at a price. If a loan be delivered from an agreement or convention of attaining a spiritual thing, similarly it is simony.

IX. Those who under the title of consanguinity or affinity confer benefices, and prefer a blood-relation or kinsman to the worthier, sin most gravely against justice, as St. Thomas teaches, II-II, q. 100, art. 5, reply 1, and all theologians subscribe to him. A bishop perpetrates simony if he agrees concerning a pension to be paid to himself or to another, or confers a benefice on condition that otherwise he would not have imposed the pension. Guilty of simony also are candidates who in the Roman Curia promise a pension to be paid, or something else appraisable at a price, to courtiers or to any others whatsoever, that they may afford help or favour for attaining a benefice. Those who impose upon a benefice a burden in no way annexed to it commit simony. Wherefore it is simony to renounce or to exchange benefices with any agreements, conditions, or modes added in favour of another. Guilty of simony also are those who exchange or renounce benefices with a pension by the Pope's leave, but with the condition added that the resignee pay the bulls of the pension. Similarly they perpetrate simony who confer a benefice with the care of souls upon the burden that he freely resign the benefice which he has, because they would append a condition in the collation of the benefice which is not of right.

Chapter II — How simony is committed while a temporal thing is delivered either as a price, or as a motive, or as a gratuitous compensation

I. A new manner of opining having been brought in, very many sins have put off their malice; since, says Caramuel, one Diana has taken a thousand of them out of the world. Formerly holy men inveighed sharply against simony with its mask laid aside. At present it is so trapped out and adorned with paints and allurements that it is scarcely found in the world. Very many casuists distinguish in money, or in a temporal thing, the characters of a native price, a principal, a secondary, a proximate, a remote, a directly intended, of compensation, of gratuitous remuneration. Hidden under this wrapping of little distinctions, simony, fortified as with leaves and a rampart, blunts the strokes of all the sacred canons, and runs about triumphant.

II. The Council of Toledo, canon 3, established these things: *If any of the bishops, money having been received IN WHATSOEVER MANNER, shall have ordained a bishop, an abbot, and so forth, let him lie under the peril of his own grade.*

III. The Council of Trent, innumerable other canons being passed over, session 24, chapter 18 *On Reformation,* among several things decrees these: *And let them beware lest they receive anything at all on occasion of this examination, either before or after, otherwise let both they themselves and those giving incur the vice of simony, from which they cannot be absolved save with the benefices dismissed which they in whatsoever manner even before obtained, and let them be rendered unfit for others in the future.*

IV. Nothing, whether before or after, can be delivered to examiners and collators of benefices. Therefore vain are the comments which teach that something can lawfully be bestowed either before or after, covered with whatsoever paint. Neither the Scriptures, nor the Fathers, nor the Councils distinguish in a temporal thing to be delivered the characters of price, of motive, of proximate, of remote, of principal, of accessory; but absolutely, all technicalities being rejected, they cry out: *Freely have you received, freely give.*

V. Fr. Gregory of Valentia is wont to be cited among the first who relaxed the mandates against simony. And in fact, Vol. III, disputation 6, question 16, point 3, he teaches these things: "A man can confer a spiritual thing on account of a temporal thing principally, as on account of an end, in such wise that the temporal be not with him the end of the spiritual thing itself, as though the temporal were esteemed by him at more than the spiritual, but only the end of the will, or of the application of the mind to the act of conferring the spiritual: this is not simony." Which in the same place he more fully confirms.

VI. Could a prettier and more acute little distinction be devised? A collator of a benefice can principally accept a temporal thing; but this temporal thing is not the end of the spiritual thing, but only of the will, or of the application of the mind to the act of conferring the spiritual thing. A temporal thing therefore is given not on account of the spiritual thing, but that the collator may apply his will to the conferring of the spiritual thing. Whether heretics and the impious reading these festive interpretations are about to receive scandal, let others judge. The doctrine of Valentia was followed by Tanner and very many others, among whom Fr. Viva himself.

VII. The Roman See, hearing that the wickedness of simony was fostered by the opinings of certain men and daily stalked abroad, condemned the three following theses. Alexander VII proscribed this,

no. 22: *It is not against justice not to confer ecclesiastical benefices gratis: because a collator conferring those ecclesiastical benefices, money intervening, does not exact it for the collation of the benefice, but as it were for a temporal emolument which he was not bound to confer.* And the Venerable Innocent XI devoted the two following, 45 and 46, to execration: *To give a temporal thing for a spiritual is not simony, when the temporal is not given as a price, but only as a motive for conferring or effecting the spiritual; or even when the temporal is only a gratuitous compensation for the spiritual, or contrariwise.* No. 46: *And this also has place, even if the temporal be the principal motive of giving the spiritual; nay, even if it be the end of the spiritual thing itself, so that it be esteemed of more worth than the spiritual thing.*

VIII. QUESTION I. *Does he commit simony who gives money as a motive not of immediately obtaining a spiritual thing, but as an honourable intermediate motive from which a spiritual thing may be expected?* ANSWER. Some deny it. But this opinion is to me false, and utterly contrary to the doctrine of the Scriptures, of the Councils, and of St. Thomas. A candidate for Orders, or for a parochial benefice to be received, offers money to the examiners, to the bishop, to the collator, and so forth. What is that true, honourable, intermediate motive from which the benefice or the sacrament of Order is expected? They are silent. In brief, the candidate would not deliver or promise a temporal thing, unless he hoped for the attaining of the benefice or of the sacred Orders. Therefore he commits simony.

IX. The same opinion the Salmanticenses defend, tract 19, chapter 1, point 4, no. 55, where they teach that for the character of simony there is required a will of giving money "as a price, or of commensurating it with the spiritual thing, and of esteeming it at so much, so that it be through an onerous contract. This depraved will nevertheless being excluded, even if a temporal thing be given with the mind of obtaining a spiritual thing, not as an onerous price but gratis, or out of gratitude or benevolence, even with the imposition of some antidoral obligation, no simony is committed — whether the gift be conferred before the collation of the spiritual thing, or after it, or at the same time with it."

X. What could be brought forth more expressly against Trent and against all the sacred canons assuredly escapes me. *For the character of simony there is required a will of commensurating money with the spiritual thing, and of esteeming it at so much?* He who should have this will would be a most impudent heretic, not to say a simoniac. Which of the Catholics ever asserted that money can equal a spiritual thing of an altogether superior order? This opinion, in my judgment, is in fact contained in the rescribed condemned theses. For this doctrine being admitted, there is no simony in the world. If you desire more, consult Vol. X, Book 2, dissertation 2, chapter 8. Nor does it please me to delay longer in overthrowing a doctrine evidently false.

XI. QUESTION II. *Whether it be lawful to give a temporal thing under the hope of obtaining a spiritual thing from the donee, or contrariwise, under the title of friendship or of gratitude?* ANSWER. Fr. Billuart affirms it, provided it be sincerely and not feignedly expected as a spontaneous gift out of mere gratitude, friendship, and liberality, and not owed under the title of a temporal gift. Since, he says, this is to give a temporal thing as a motive indeed of obtaining a spiritual thing, but by the mediation of another honourable motive, namely gratitude and friendship.

XII. These are pure and mere comments devised for encrusting the wickedness of simony. All the Councils, chiefly Trent, forbid to give money — not the mind, not the mode of giving. The Councils forbid to give a temporal thing for the obtaining of a spiritual thing. Most ineptly is the mode of giving devised, when in fact money is given. Nor do collators of benefices, of Orders, and so forth

care whether the money be given under the title of a price, or of an incitement, remote or proximate, or under the motive of antidoral gratitude, provided it be in fact given and they in fact receive it. This alone they care for; the rest they deride. This farrago of precisions and distinctions being admitted, there would be no simony in the world.

XIII. QUESTION III. *Whether the sale of the sacraments be simoniacal?* ANSWER. All affirm it, when anything is exacted for the administration of the sacraments. Similarly he would be a simoniac who should sell the Eucharist. Those things which are given to sacred ministers are destined for their sustentation, by no means as a price of administering the sacraments: *for the labourer is worthy of his meat,* says the Evangelist Matthew; just as also to a priest celebrating there is given something for his sustentation. It is agreed among all, by natural, divine, and ecclesiastical right, that it is forbidden to receive or to deliver anything as a price, whether for the receiving of the sacred habit, or for monastic profession.

XIV. Those who preach either for the sake of applause or for the sake of gain are simoniacs, as the Angelic teaches, 2-2, question 100, article 3, reply 2. If a priest in the article of death should be unwilling to baptize without money, if the one to be baptized were a boy, anyone else, even a layman, could baptize him. If the one to be baptized were an adult, and no priest were at hand, the priest would be simoniacal, and then the baptism of desire would supply, as St. Thomas teaches, II-II, q. 100, art. 2, reply 1. Whence is rejected the opinion of those who teach that money can be given for the bending of the will of an avaricious priest. But that comment is utterly empty. Simony similarly is to receive anything for the administration of the sacramentals. Those things which are wont to be bestowed for the chanting of Mass, for a funeral office, for a procession, and so forth, are immune from the stain of simony, because they are given according to a laudable custom for the sustentation of the ministers.

XV. Fr. Nicholas Mazzotta, tract 3, disputation 5, question the only one, on simony, recounts many who teach that something can be received without simony for the obligation of exercising spiritual things, provided this obligation be severed from the ecclesiastical function. He reports also the opposite opinion. Fr. Mazzotta imitates the method of Fr. La Croix of proposing a collection of probable contrary opinions, that readers may be able to choose what more pleases and flatters them. The former opinion has already been proscribed.

XVI. QUESTION IV. *Whether it be simony to sell or to buy the power of ecclesiastical jurisdiction?* ANSWER. Authors commonly distinguish. There is a power of jurisdiction which regards the forum of conscience, as to absolve from sins; and there is a power which pertains to the exterior forum, as to dispense in vows and in laws, to visit, to condemn, and so forth. For all these things to receive anything is simony, because they are spiritual. Similarly it is simony to exact anything for a licence of hearing confessions, of absolving from censures, for the concession of indulgences, for the faculty of dispensing in vows and oaths, for the assistance of a parish priest at a marriage, for the election, collation, and confirmation of benefices, and so forth.

XVII. QUESTION V. *Is it simony to receive anything for entrance into a monastery?* ANSWER. The Council of Trent, session 25, chapter 16, establishes these things: *But neither before profession, except for the food and clothing of the novice or novice-woman of that time in which she is in probation, let anything from her goods be bestowed upon the monastery UNDER WHATSOEVER PRETEXT, whether by parents, or by kinsfolk, or by guardians, or by alms*. These two things are certain among all. But very many casuists, who consider

money as a price and as a primary and secondary, proximate and remote motive, and as an antidoral title, of obligation, of gratuitous compensation, take away all simony out of the midst. But the sacred canons which forbid to receive or to deliver anything for entrance into Religion are so clear that they rout all the aforesaid little distinctions and devised comments. Consult Vol. X, Book 2, dissertation 3, chapter 5.

XVIII. QUESTION VI. *Is it simony forbidden by divine right alone to confer any benefices whatsoever with a view to a temporal emolument?* ANSWER. Two rights are included in benefices. One spiritual, or the right of administering spiritual things, which is called the *office;* the other the right of perceiving temporal things, which is called the *benefice*. According to all, simony is forbidden by every right, from which not even the Pope can dispense, namely the sale of a benefice inasmuch as it means the right of administering spiritual things. Authors dispute whether it be simony forbidden by divine right to catch at or to confer benefices with a view to the temporal emolument alone. Some deny it. But this opinion is to me false, because the right to the temporal revenues is so annexed to the right to the spiritual offices that it can in no way be separated. There are to be distinguished the fruits of a benefice, which a beneficiary can sell, let out, or exchange, from the right of perceiving these fruits. This beneficial right is inseparable from the prior right of administering spiritual things. Therefore he who sells the one must needs sell the other.

XIX. To offer something to Sempronius that he may intercede with the collator is simony. Fr. La Croix continuously adds a distinction: if you give for the labour, it is not simony. And this opinion Fr. Mazzotta transcribes, tract 3, chapter 5, saying: "But if you give something to an intercessor, whether mediate or immediate, not indeed for the intercession, but for the labour, for ceasing gain, for emerging loss, for the expenditure of time, and so forth, in going and returning, it is not simony, because these are something temporal altogether extrinsic." La Croix, no. 91, and others commonly.

XX. In truth La Croix teaches this opinion in just so many words with Diana, Castropalao, Raynaud, and others. The falsity and laxity of that opinion is evident to my weakness. That to deliver money for an intercession with the collator of a benefice is simony, those authors themselves confess; but to deliver money *for the time to be expended, for ceasing gain, for emerging loss in going and returning,* is not simony. And why? Because these are something temporal altogether extrinsic. Excellently! I yield. Can an intercession be made without some expenditure of time, without approach and return to the collator? If a man must intercede, it behoves that he speak. And that he may be able to speak, time is required, and approach and return. Therefore if it is simony to deliver money for an intercession, it is simony also to deliver money for the things necessarily annexed to the same. Even to the collator himself money could be given, not for the collation but for the expenditure of time consumed in the collation. Diana devised these little distinctions; from Diana Castropalao, from Castropalao La Croix, from La Croix Mazzotta: and afterwards they conclude, *So the Doctors commonly.* Unskilled readers reading these things think that the Doctors of the Church so teach; and hence with a secure conscience they commit simony. Behold how true is what I said at the outset, that, these opinions being admitted, no simony is given in the world.

XXI. The sale of the habits of military Orders, which are given to Religious deputed to the choir and the divine office, is simony. Similarly to sell pensions erected into the title of a benefice, as *praestimonia* or simple benefices, is simony, as all confess. Several things concerning these pensions St. Pius V established in the Bull which begins *Ex proximo.* Someone asserts that this Bull is nowhere

received. But he is deceived, and deceives. For the Salmanticenses testify, no. 74, that it is received in Spain. And the common opinion teaches that pensions of this kind cannot be redeemed or sold without simony. Simoniacal also is the sale of an ecclesiastical right of patronage.

XXII. He who has been elected to a benefice, and has the collation from a lawful superior, although he do not yet possess it, has a right *in* the thing. Therefore he can redeem an unjust vexation with money, provided it be truly unjust, without simony, as St. Thomas teaches, II-II, q. 100, art. 2, reply 5. To redeem with money a vexation before a right *in* the thing is acquired is simony, as St. Thomas asserts in the same place. Authors nevertheless distinguish a vexation intended against a right to be acquired by one who can hinder but cannot profit, from a vexation intended against a right to be acquired by one who can both hinder and profit. When a vexation is redeemed from one who can hinder and profit by electing, confirming, and so forth, simony is committed. But to redeem a vexation intended by one who can hinder but cannot profit is no simony.

XXIII. To commute spiritual things for spiritual things is no simony, benefices being excepted. Wherefore it is lawful for you this week to celebrate four Masses for Peter, that Peter may celebrate just as many for you at another time. So relics can be delivered for relics.

XXIV. QUESTION VII. *Can benefices be exchanged without simony?* ANSWER. By ecclesiastical right all exchanges of benefices are forbidden and declared simoniacal, unless the authority and dispensation of a superior accede. For although the titles of benefices be spiritual, and on this account a spiritual thing can be commuted for a spiritual; nevertheless, because to the titles of benefices there are annexed temporal revenues which kindle avarice, therefore the Church has forbidden that these exchanges be made without the superior's authority. Under the name of benefices are understood all spiritual things which have annexed temporal emoluments. There is required therefore the authority of that superior who conferred the benefices. Wherefore a bishop cannot grant the faculty of exchanging benefices conferred by a superior, namely by the Pope. If the benefices be in diverse dioceses, the consent of each bishop is necessary, or of the patrons who have the right of nominating and presenting.

XXV. Exchangers of benefices can at the same time mutually enter upon honourable conditions, and propose them to the lawful superior. Elsewhere I shall show that these exchanges are rarely lawful. The acceptance of money for the collation of a benefice is not only simoniacal but also against justice; the opposite opinion Alexander VII condemned, no. 22.

XXVI. Bishops cannot grant a faculty of exchanging a benefice with a clerical pension. If the pension be lay, it can by no wrapping, not even by the Pontiff's authority, be exchanged with a benefice, as is plain. When benefices are unequal either in revenues or in dignity, they cannot be compensated with money, or with the accession of a temporal thing, whatever some may say to the contrary.

XXVII. A transaction in composing a suit over a benefice is simoniacal, if it be done without the authority of the Apostolic See. Several things concerning this matter some dispute, which it is not worth while to weigh, as being useless, because it pertains to the Apostolic See to settle them.

XXVIII. QUESTION VIII. *How can a benefice be resigned without simony?* ANSWER. 1. Anyone can resign a benefice into the hands of his bishop, no condition being added; 2. In favour of such a person; 3. In favour of such a person, a pension being reserved to himself; 4. Without designation of a person, and with reservation of a pension. A resignation made in the first way is true, and can be safe. For a

resignation made in the other ways the authority of the Supreme Pontiff is required, who can dispense for the good and convenience of the Church.

XXIX. The Salmanticenses, no. 55, contend that a resignation can be made into the hands of a bishop in favour of Peter, provided this condition be not made in all rigour by the resigner, so that he should suspend the resignation, but only declare to the Prelate the mode conceived by the resigner and to be observed in the provision of the benefice after the absolute renunciation is made. These are bland thoughts, which a prudent bishop alone can resolve, by admitting no condition at all, whether rigorous or bland. For in this fashion he will explore the sincerity of the resigner.

XXX. Simoniacal are reciprocal renunciations, by which you renounce in favour of Peter, that he in turn may renounce to you. Similarly simoniacal are the renunciations which they call *triangular,* as when you renounce to Peter, that Peter may renounce to Paul, and at last Paul renounces his benefice to you.

XXXI. QUESTION IX. *Whether a confidential renunciation of benefices be simoniacal?* ANSWER. That resignation of a benefice is called confidential which is made into the hands of a lawful Superior with a trust that he in whose favour the benefice is renounced will resign the same benefice to him or to another, or will pay a pension or something else. A fiduciary resignation with an express or tacit agreement is beyond doubt simoniacal, forbidden by divine, natural, and human right, as all confess. A fiduciary resignation without any agreement, but with the hope that the resignee will under the title of gratitude at an opportune time resign the same benefice either to himself, or to a friend, or to a blood-relation, or to whomsoever he shall have willed, or will pay part of the fruits — although absolutely and speculatively it may be without simony, in practice nevertheless it is almost always to be reputed simoniacal.

XXXII. Guilty of simony are Canons who principally assist at choir on account of the distributions, as St. Thomas teaches, Quodlibet 8, article 5, saying: *A cleric who goes to church principally on account of the distributions which he receives, as the end of the work, commits simony.* Easily will each man assert that he goes to choir not principally but secondarily on account of the distributions. But let them seriously weigh their own conscience, whether they truly go to choir on account of the divine worship. Whence can they gather this? From several signs: from the fervour of devotion, from the modesty and attention with which they celebrate the divine praises; from the omission of frequenting choir when there are no distributions, or small ones.

Chapter III — On the penalties against simoniacs, and on the restitution of those things which have been acquired through simony

I. QUESTION I. *Do they lie subject to the penalties against conventional simony, when such simony is not complete on either side?* ANSWER. Peter resigned a benefice to Paul under a promise of a hundred gold pieces; he did not pay the promised money. Do these men incur the penalties against simoniacs? Sánchez, Lessius, Valentia, and others deny it: because so long as the money is not paid, real simony is not complete. Otherwise mental simony does not lie subject to penalties, as all confess. This opinion is false. For the incurring of the penalties passed against simoniacs it is enough that a spiritual thing be delivered with a promise of money to be paid. For then the simony is real, not

mental. Simoniacs incur the penalties, whether the simony be against divine right or against ecclesiastical right. Since the law does not distinguish simoniacs of divine or of ecclesiastical right. Those who are guilty of simony contracted upon entrance into Religion incur excommunication by that very fact reserved to the Pope. Several contend that those do not incur this penalty who are guilty of simony contracted in the reception of the habit, but only in profession. But this distinction is arbitrary, and in no way drawn out of the law, chapter *Exiit,* on simony.

II. QUESTION II. *What penalties are imposed upon those receiving sacred Orders simoniacally?* ANSWER. He who through simony ordains anyone, or is a mediator that he be ordained, is bound with an anathema, and remains suspended from the collation of any Orders whatsoever and from the execution of all pontifical acts, and is interdicted from entrance into the Church and from the perception of all fruits, if he shall have violated the suspension in a pontifical office. But those ordained are obnoxious to excommunication reserved to the Pontiff, and suspended from the execution of all Orders. He who unknowing has been simoniacally ordained by another's work remains suspended from the execution of the Order.

III. Those who are ordained under the title of a feigned patrimony cannot be promoted to higher Orders, nor can they exercise the Order received, as Trent established, session 21, chapter 2 *On Reformation.* Those who simoniacally confer or procure for another a benefice or an ecclesiastical office by election, postulation, confirmation, or nomination, whether publicly or secretly, by that very fact incur excommunication reserved to the Supreme Pontiff; and obnoxious to this penalty also is the one receiving the benefice, as is had in the Extravagant *Cum detestabile,* on simony. Besides, all collations and provisions made in this way are annulled. Wherefore simoniacs do not make the fruits their own, but ought to restore them before the judge's sentence, and to dismiss the benefice received, even if the simony was committed by parents or friends without the beneficiary's knowledge, as St. Thomas teaches, II-II, q. 100, art. 6, reply 4.

IV. QUESTION III. *Whether simony in the collation of benefices deprives one of benefices rightly obtained before?* ANSWER. Authors commonly deny that before the judge's sentence a simoniac is deprived of the benefices which he lawfully possessed before the benefice acquired through simony: because, they say, this is expressed in no law. There is nevertheless excepted fiduciary simony, which by force of the constitution of St. Pius V induces the privation not only of the benefice procured by such simony, but also of all antecedent ones; just as simony perpetrated with examiners, which by Trent deprives one of all benefices rightly obtained before, besides the benefice simoniacally acquired. Lastly those who attain benefices through simony remain by that very fact unfit for obtaining other benefices before the judge's sentence, as St. Pius V expressly declared in his constitution *Cum primum.* What the Salmanticenses say out of Lessius, Sánchez, and Castropalao — that the aforesaid constitution is not received in use — is a mere comment. It is indeed not received in use by very many, because they in fact commit simony. But by this reasoning neither is the Gospel received in use by very many, because it is violated. A contrary use does not bring it about that just laws sufficiently promulgated do not oblige.

V. QUESTION IV. *Whether the things acquired through simony ought to be restored?* ANSWER. The affirmative resolution is plain from what has been said, namely that all benefices simoniacally obtained, and the fruits of the same, are to be restored. The Salmanticenses, tract 19, chapter 4, point 5, no. 21, say: "He who buys a benefice does not do an injustice, but suffers it. For he ought to have

received gratis that which, a price being given, he received: he sins only against Religion, whose transgression does not oblige to restitution. Nor does he who confers the benefice sin against justice, or by divine right make the collation invalid." This doctrine has been condemned by Alexander VII, no. 22: *It is not against justice not to confer ecclesiastical benefices gratis,* and so forth. From the proscribed doctrine the cited authors infer several absurd corollaries, which are to be guarded against.

Dissertation III — On benefices

Chapter I — The notion of an ecclesiastical benefice, and the various kinds of benefices

I. QUESTION I. *What is an ecclesiastical benefice?* ANSWER. It is *a perpetual right of perceiving fruits from the goods of the Church on account of some spiritual office, constituted by the authority of the Church.* It is called a *right,* because the fruits are owed to the beneficiary out of justice as the wage of his labour. *Perpetual,* because it is not extinguished by the death of the beneficiary, but the benefice falls vacant. *From the goods of the Church* signifies that the goods whence the fruits proceed are the Church's, because at the beginning the faithful delivered their goods to the Church for the sustentation of the ministers. *On account of some spiritual office,* namely of administering the sacraments, of celebrating the sacred rites, of singing in choir, of preaching, and so forth. *By the authority,* and so forth, declares that a benefice ought to be constituted by the authority of a bishop or of the Supreme Pontiff. Hence authors require six conditions for a benefice: 1. That it be founded by the bishop's authority; 2. That it be annexed to a spiritual thing; 3. That it ought to be conferred upon a cleric; 4. That an ecclesiastical person alone can confer it; 5. That it be perpetual; 6. That the collator cannot confer it upon himself.

II. QUESTION II. *Of how many kinds is a benefice?* ANSWER. Several are the kinds of benefices. The greater are the papacy, the episcopate, abbacies; the lesser are very many others. Besides, one benefice is *regular,* another *secular.* The former ought to be conferred upon the professed of a Religion alone, as an abbacy, a priorate, and certain parishes; the latter upon clerics alone loosed from monastic vows.

III. A benefice is further divided into *double* and *simple.* The former has jurisdiction over the clergy and people and the administration of ecclesiastical things. Of this kind are the papacy, archbishoprics, a secular abbacy, a plebanate, and all benefices with the care of souls, or to which the government of souls and jurisdiction is annexed. The latter has no jurisdiction, administration, or pre-eminence, but only there is annexed to it the debt of pouring forth prayers, of serving the altar, and of exercising other ecclesiastical ministries, such as are canonries, chaplaincies, and so forth. *Praestimonia,* which are benefices instituted out of the proceeds of the Church, to be conferred upon youths for the sake of studies, have conjoined the burden of paying definite prayers.

IV. Again, one benefice is *elective,* another *collative,* another *mixed.* The elective is conferred by several, through an election to be confirmed by the Superior. The collative is conferred by the Superior. The mixed: a patron designating, the bishop institutes and confers.

V. A patrimony, under whose title clerics receive sacred Orders, has not the character of a benefice. Dignities and other offices, although jurisdiction be annexed to them, are not properly benefices, as a generalate, provincialate, priorate, guardianship, and so forth, because they lack a perpetual right of perceiving fruits; and the same is to be said of the Vicar general of a bishop. The perpetual vicars of parish priests nevertheless are beneficiaries, otherwise temporary ones.

VI. Chaplaincies which are instituted by the authority of laymen lack the character of a benefice. But those which are erected and instituted with the bishop's consent properly obtain the character of a

benefice. If anyone, the bishop's faculty going before, should institute a chaplaincy, and should decree that as often as it falls vacant a chaplain be elected who shall celebrate so many Masses in the week, one cannot be elected who is not a priest, or at least to be promoted to the priesthood within a year. Wherefore false to me is the opinion of those who teach that anyone having fourteen years can be elected. No less false to me is the other opinion of very many who deny that a priest must necessarily be elected, if the founder of the chaplaincy say: *Let a priest be preferred, let a priest be elected.* Common sense itself dictates that a priest is to be elected.

Chapter II — On pensions and coadjutorships

I. QUESTION I. *What is a pension, and who can by right impose it?* ANSWER. It is a right of perceiving some fruits from a benefice granted to someone, whether for life or for a time. One is lay, and another clerical, founded in a spiritual title, ordained to a spiritual end, and which supposes an Order in the receiver. Another they call mixed, which is given either to a poor cleric, or to an aged parish priest for maintenance. The Roman Pontiff alone can adjoin these pensions upon benefices. Bishops can impose upon the beneficiaries themselves, from a just cause, the burden of paying pensions: and because they do not burden the benefices but the persons, pensions of this kind cease at the death of the pensioner.

II. QUESTION II. *What causes are required, that pensions may lawfully be imposed?* ANSWER. Three are assigned by right. 1. That the resigners have, the benefice being dismissed, maintenance whereon to live; 2. There is the reason of equality in the exchange of benefices, as when a richer benefice is exchanged with a slender one; 3. There is the occasion of ending a suit.

III. A pension must needs be moderate, regard being had to the benefice upon which it is imposed; so that there always remain to the beneficiary that part of the fruits which suffices for his congruous sustentation. Wherefore it is never to be reckoned that the Pontiff wills to burden a benefice against the rule predetermined by Trent, session 24, chapter 13 *On Reformation.* For the valid imposition of a pension the beneficiary's consent is commonly required.

IV. QUESTION III. *Who are capable of a clerical pension?* ANSWER. A lay pension can be conferred upon any layman, even a woman, if the conditions be present. But a clerical one can be delivered only to those who have been initiated at least with the first tonsure. The age necessary for a pension is fourteen years. The excommunicated and the irregular are capable of no pension. The illegitimate also are incapable of a pension.

V. A beneficiary ought to pay a pension; he is nevertheless not bound to pay his predecessor's pensions, as seems to me the more probable. A pensioner cannot dispose at his pleasure of the goods of a clerical pension, but is bound to distribute the superfluous to pious uses, whatever some may say to the contrary.

VI. The burdens of a pensioner are: 1. The recitation of the Office of the Blessed Virgin; 2. The payment of the papal tithe, and of the subsidy for the repair of the Church, and to serve the Church according to his measure. What? Shall pensioners devour the pious revenues of the Church, that they may flow with idleness, that they may play, that they may serve little matrons? Pensioners ought to manifest the pensions and benefices obtained before. But this I leave to be resolved from the rules of the Chancery.

VII. A pension is extinguished: 1. By the death of the pensioner; 2. If a cleric be enrolled in the army, and being admonished does not forsake it; 3. By his profession made in some Religion; 4. If he contract matrimony; 5. By promotion to the episcopate; 6. If he refuse openly to wear the tonsure and the clerical habit; 7. If he himself remit the pension; unless he had been ordained under the title of the pension, in which case he cannot remit it without the bishop's authority. To Cardinals alone, and to a few others, the privilege of transferring pensions is wont to be granted.

VIII. AN ADMONITION. Hitherto I have culled a few things concerning pensions out of those which the canonists commonly dispute. The origin of pensions and their increase would have to be set forth. But this is not of this place and time. This I admonish in passing, that the revenues bestowed by the pious faithful upon the Church are for the maintenance of the ministers, of the clergy, and of the poor of that place in which the Church is. If the benefices be burdened with pensions, they cannot distribute alms. Never did the faithful understand that their goods should go to the feeding of strangers, far less to the fostering of their luxury, display, and idleness. Only the common good of the Church and true utility can be a just reason for giving moderate pensions to those alone who are not of the magnates and matrons, but well deserving of the Church, and who continually labour for the defence and increase of the Church. But let it be enough to have indicated these things.

IX. QUESTION IV. *Of how many kinds is a coadjutorship?* ANSWER. Twofold: one temporary and revocable; the other perpetual and irrevocable. The first is assigned to an aged parish priest not able to perform his own office, to whom is given a coadjutor who may supply his place, a congruous stipend being assigned out of the fruits of the benefice. A perpetual coadjutorship with the right of succeeding in the benefice is forbidden by Trent to be granted, session 25, chapter 7 *On Reformation,* in these words: *In coadjutorships also with future succession let the same be observed in future, that they be permitted to no one in any benefices whatsoever.* That the Supreme Pontiff alone can sometimes, the cause being known and necessity urging, grant a coadjutorship with future succession, the Council likewise declares. A coadjutorship is not a benefice. Coadjutors with future succession are bound, the principal commanding, to serve the prebend and canonry. When the letters of coadjutorship are expedited, if the principal has died, the succession is null.

Chapter III — On the residence of pastors

I. QUESTION I. *Whether pastors of souls are bound by natural and divine right to reside in their own Churches?* ANSWER. Commonly all theologians affirm it, and this is evinced from the holy Scriptures. *Hast thou cattle? Have an eye to them: and if they be for thy profit, keep them with thee.* Ecclesiasticus 7. Again Proverbs 27: *Be diligent to know the countenance of thy cattle, and consider thy own flocks.* Christ the Lord more clearly inculcates this doctrine, John 10, saying: *I am the good shepherd. The good shepherd giveth his life for his sheep. But the hireling, and he that is not the shepherd, whose own the sheep are not, seeth the wolf coming, and leaveth the sheep, and flieth: and the wolf catcheth and scattereth the sheep.* Again, chapter 21: *Feed my sheep.* St. Peter, 1 Epistle, chapter 5, says: *Feed the flock of God which is among you, not by constraint, but willingly, according to God.* These divine testimonies are most clear.

II. Pastors ought to feed the flock of God by preaching the holy word, by teaching, by administering the sacraments, by assisting the sick, by defending them from wolves. For demons like roaring lions and hungry wolves go about seeking to devour the flock of God. Can pastors exercise the aforesaid duties absent? Can they console widows, raise up the poor, feed the flock — in one word, can they be

distant? Wherefore Trent, session 23, chapter 1 *On Reformation,* declared this residence to be of divine right. This opinion, says Natalis Alexander, treated with a triumphal pen Bartholomew Carranza Archbishop of Toledo, Dominic Soto, Cardinal Cajetan, Cardinal Bellarmine, and several others.

III. QUESTION II. *Are the Roman Pontiff and the Cardinals bound to reside like other pastors?* ANSWER. Commonly all theologians affirm it. For all are subject to natural and divine right. Several canonists — Abbas, Gonzalez, Barbosa, and others — defend that Cardinals instituted bishops can reside at Rome, because, they say, those who reside in the head reside in the members. This axiom is vain beyond what can be said, and their opinion is evidently false, and today against the express declaration of Trent, session 23, chapter 1, where it subjects Cardinals also to residence.

IV. QUESTION III. *What causes excuse bishops from personal residence?* ANSWER. Trent sets them forth in the cited session 23, chapter 1, in these words: *Since Christian charity, urgent necessity, due obedience, and the evident utility of the Church or of the commonwealth sometimes demand and require that some be absent, the same holy Synod decrees that these lawful causes of absence are to be approved in writing by the most blessed Pontiff, or by the Metropolitan … unless the absence should fall out on account of some office or duty of the commonwealth adjoined to bishoprics: of which, since the causes are notorious and sometimes sudden, it will not even be necessary that they be signified to the Metropolitan. … Meanwhile let those about to depart remember so to provide for their own sheep, that, so far as can be done, they receive no harm from their absence.*

V. Pastors can be absent from their own Church, if without notable detriment to the same the charity of Christ should demand that they succour other Churches in peril, or that they compose the discords of princes, as often as their industry should be necessary for it. Urgent necessity of defending one's own life excuses from residence, when detriment does not threaten one's own Church from the absence. Celebrated is the example of that prodigious and heroic man St. Athanasius. When on the contrary the absence of a pastor would gravely obstruct the Church, then life would have to be given for the sheep, as Christ the Lord commands.

VI. QUESTION IV. *Can bishops join the three months of one year with the three months of another year?* ANSWER. The affirmative opinion of some is to me false, and circumvents the law. This opinion being admitted, bishops could establish for themselves a permanence of twenty or thirty years of life, and couple the three-month periods of all the years. But the cited authors object that Trent does not forbid this coupling. But it has this: because Trent was unwilling to foresee all comments. Parish priests and all others having the care of souls are, like bishops, bound by natural and divine right to reside.

VII. The causes excusing parish priests from residence are those which excuse a bishop: Christian charity, urgent necessity, due obedience, the evident necessity of the Church, or the utility of the commonwealth. Always nevertheless these causes are to be known and approved by the bishop. Neither Cardinals nor bishops can occupy parish priests or other pastors in their own service. Nay, not even for the sake of studies can parish priests be absent from their parishes: because if they are rude and ignorant, they ought to dismiss their parishes. The privilege which Trent, session 5, chapter 1 *On Reformation,* grants to beneficiaries, namely to Canons truly teaching sacred Scripture in a public University, does not extend to parish priests. Nor does the privilege of Eugenius IV *Qui creditum,* and so forth, avail. But that privileges of this kind are derogated and null is established from the words of Trent, session 23, chapter 1, where these things are had: *Nor can the execution be suspended by any privilege, licence … statute, even confirmed by oath or by any authority whatsoever, or by a custom even*

immemorial, which is rather to be reckoned a corruption … or by force of the EUGENIAN constitution. What can be expected more clearly?

VIII. Bound also to residence are Canons, prebendaries, mansionaries, and chaplains of a cathedral Church. Those elected to benefices are bound within three months to receive the Orders annexed to them, as Trent declares, session 23, chapter 1 *On Reformation.* Those elected to a benefice with the care of souls, unless within a year of taking possession they be promoted to the priesthood, are deprived of the benefice.

Chapter IV — On the qualities necessary for the valid and lawful acquisition of benefices

I. QUESTION I. *What age is required in those to be promoted to ecclesiastical benefices?* ANSWER. Concerning the one to be elected to the papacy the sacred canons decree nothing. For the episcopate the 30th year completed is required; in France the 27th year suffices. The age required for canonries and other dignities is defined by Trent, session 24, chapter 12, and is known to all, so that it needs no explanation.

II. QUESTION II. *What knowledge and probity of morals is required in those to be promoted to benefices?* ANSWER. Of knowledge it has already been said above, and it pleases me only to repeat that the knowledge of holy Scripture, and chiefly of the New Testament, is in the highest degree necessary. From this most salutary fount ought directors of souls first of all to draw the rules of Christian profession. Hence they ought first to learn what is the spirit of the Christian life, what the form of morals, what the sanctity of life. Then let them read Trent and its Catechism and the other graver theologians. Bishops ought seriously to examine these men first upon holy Scripture, then upon Trent. But concerning the morals and probity of those to be promoted to the government of souls several things have already been said elsewhere. But our writings avail nothing unless bishops be learned and upright, who may be able to judge for themselves; or unless they be at least endowed with a serious mind and a prudent judgment, by which they can discern the true from the false, flatterers from upright men. I esteem more highly a prudent, mature, and upright bishop who is skilled in the spirit of Christianity delineated in the Gospel with a most simple pencil, than very many laureates in either law, forestalled and full of various petty opinions and sophistical disputations.

III. QUESTION III. *Whether it be lawful to desire the government of souls?* ANSWER. St. Thomas, Quodlibet 2, article 8, writes here: *He who desires a prelacy is either proud or unjust. For it is an injustice that a man should will to receive for himself more of honour, or of power, or of other goods, unless he be worthy of greater. But that a man should assume that he is more worthy of a prelacy than all those over whom he receives the prelacy, is of pride and presumption. Whence it is plain that whosoever desires a prelacy is either unjust or proud. And therefore no one ought to arrive at a prelacy by his own desire, but by the judgment of God, according to that of the Apostle to the Hebrews 5: No man taketh the honour to himself, but he that is called by God as Aaron was.* See what he has, 2-2, question 100, article 5, reply 5; likewise in Book 4, distinction 25, question 3, article 3, reply 4.

IV. QUESTION IV. *Is it lawful to seek a vacant Church?* ANSWER. St. Raymond in his *Summa,* Book 1, title 1, § 7, writes these things: *I distinguish, saving a better judgment, that a man cannot seek for himself a*

dignity or another benefice having the care of souls annexed. And in this I feel with Hugh. But a simple benefice, if he needs it and feels himself worthy, he can seek without fear of the sin of simony.

V. St. Antoninus, part 2, title 1, chapter 4, § 4, has these things: *If a man hold out prayers for himself, for obtaining a dignity or benefice or Church having the care of souls, such prayers induce simony according to Hugh, Raymond, and Thomas, even however worthy he might be: because … by the very fact that he thrusts himself forward, he seems presumptuous and ambitious, and consequently unworthy. And the reason is, according to Thomas in his Quodlibets, because no one can worthily exercise the care of souls outside grace or with mortal sin, because in doing those things which pertain to the care he will sin mortally: but no one can be outside mortal sin, if he be presumptuous and simoniacal. Whence no one ought to assume the honour to himself, but he that is called by God, as Aaron.*

VI. It is nevertheless lawful to compete for an examination according to the rule prescribed by Trent, if, the counsel of prudent men going before, you subject yourself to the examination, that you may obey the Church calling, and may with humble obedience subject yourself to the judgment of your Pastor. For the rest, if the appetite for a benefice lie hidden, and ambition creep secretly, the competition itself can be infected with vice. Wherefore, before you expose yourself to this contest, the counsel of a man truly upright and learned is always to be sent before. Let your intention be sincere, of labouring in the vineyard of the Lord and of furnishing worship to God. Question your conscience, weigh seriously the course of your life, your fortitude, your zeal, and your works. And unless you wish willingly to deceive yourself, your conscience as judge will pronounce a right judgment. If the signs of vocation appear, trust not in your own strength but in the help of God. Extremes are to be guarded against in this most grave business also. Do not resist a superior commanding; do not thrust yourself forward of your own accord.

VII. It is opportune that those to be promoted to benefices be of the bosom of the Church of that place in which the benefice is. In several kingdoms laws obtain which prescribe this. Which laws, as being just, are to be observed and imitated, unless a peculiar circumstance stand in the way. When founders have determined that the benefices are to be conferred upon blood-relations, they ought to be conferred upon the nearer, on the hypothesis that he be worthy. Spurious and illegitimate persons are excluded. The degree of nearness ought to be taken from the civil law. Foundlings, or those exposed on account of their parents' want, are commonly held for legitimate. Those bound by the greater excommunication, by suspension, by interdict, or by irregularity are unfit for benefices. Similarly neophytes, or those recently converted to the faith, are reputed unfit.

VIII. QUESTION V. *In what ways can benefices be acquired?* ANSWER. In three ways: 1. By a patron's presentation and the institution following; 2. By election and confirmation; 3. By free collation. For the right of patronage affords the right of nominating or presenting someone to be instituted in a vacant ecclesiastical benefice. It is acquired in three ways, whether lay or ecclesiastical: 1. By foundation, when someone grants ground for a church to be built; 2. By construction, when someone at his own expense builds a church; 3. By endowment, when someone bestows sufficient revenues upon a church and its ministers. But that a man may possess the title of a right of patronage, he ought to afford certain documents, as Trent determined, session 25, chapter 9.

IX. To ecclesiastical patrons six months are granted within which they ought to present candidates; to secular ones four. To mixed patrons, of seculars and ecclesiastics, six. This half-year or four-month period is reckoned from the day of certain notice of the vacancy had. If a suit arise between the

patrons and the bishop, the days do not run, as authors commonly teach. No one can present himself. Those to be presented ought to have the conditions which render a cleric apt for a benefice.

X. Institution is the concession of a Church or benefice made by the authority of the bishop or Ordinary, not to any cleric whatsoever, but solely to him who has been nominated or presented by a patron. A presented cleric is bound within the term of law to exhibit personally the document of presentation, as Trent determines, session 24, chapter 18 *On Reformation.* When several clerics are nominated by several patrons, the worthier ought to be preferred.

XI. Election is the canonically made calling of some man to a Church vacant of its pastor, to be confirmed by the superior's authority. If the election does not require confirmation, it is called collation, not election. Elective benefices are patriarchates, primacies, archbishoprics, bishoprics, archdeaconries, abbacies, priorates, and so forth. Formerly the election of pastors belonged to the clergy and the people. A different discipline now obtains.

Chapter V — On the worthier who are to be elected to ecclesiastical benefices

I. QUESTION I. *Whether the worthier, the worthy being passed over, ought to be elected to ecclesiastical benefices?* ANSWER. He is called worthier who is more useful for the ministry. This worthiness is to be gathered not from knowledge alone, nor from probity alone, but from all the endowments seriously weighed; and judgment is to be formed which of those to be elected is more useful for governing the evangelical flock. The Council of Trent, session 24, chapter 1 *On Reformation,* teaches that *electors, communicating in others' sins, sin mortally, unless they diligently take care that those be set over churches whom they themselves have judged worthier and more useful to the Church, and not indeed by prayers, or human affection, or the suggestions of the ambitious, but by their merits requiring it*.

II. Fr. Thomas Tamburini, Book 8, chapter 4, § 4, no. 5, writes these things: "I assert secondly that all benefices — whether greater, as a cardinalate and bishopric, or lesser, as a canonry and chaplaincy; whether having the care of souls, as an abbacy and parish, or not having it, as the aforesaid canonry and chaplaincy, and the other benefices which are named simple — abstracting from those which are given in competition (of which presently at no. 14) — I assert, I say, that it is enough for avoiding mortal sin if they be conferred upon the worthy and fit, although the worthier or the most worthy be passed over."

III. Fr. Filliucci, tract 41, in the Appendix, chapter 4, no. 181: "I say fifthly that the opinion which reckons it enough to elect the worthy to benefices which are not given in competition is probable, from Trent, session 7, chapter 5 *On Reformation,* saying: *Let them be conferred upon the worthy;* and from the universal estimation in the creation of beneficiaries, cardinals, bishops, abbots, and so forth, who, if they be held among the worthy, the elector and the election are praised. But it would not commonly be praised, if it were evil and a mortal sin."

IV. These things I have transcribed, that it may be more explored and more discovered by all whither the genius of certain casuists tends, and that they do not fear to elude the most clear words of Trent. What they are about to do when the canons and laws are not so perspicuous, let the wise judge. Fr. Tamburini in the same place, no. 8, adds these things: "Since immediately before, the Council seems to be content with the worthy, either first it seems by this to wish to signify by *worthier* nothing else

than the worthiness of those to be elected, the comparative being taken for the positive; or secondly by a less proper locution it sets down *worthier,* that it may exclude the unworthy … or lastly, thirdly, it speaks when there is a competition."

V. The Venerable Innocent XI condemned this opinion of Tamburini, proposition 47, which is of this kind: *When the Council of Trent said that those communicating in others' sins sin mortally, who promote to churches any others than those whom they have themselves judged worthier and more useful to the Church, the Council either first seems by this to wish to signify by "worthier" nothing else than the worthiness of those to be elected, the comparative being taken for the positive; or secondly, by a less proper locution it sets down "worthier," that it may exclude the unworthy; or lastly it speaks thirdly, when there is a competition.*

VI. Fr. Tamburini is to be excused, because he wrote before the condemnation of the theses. But Fr. Viva upon this thesis, no. 1, adverts that Tamburini calls the opposite opinion more probable. What thence? This alone was lacking, that he should not recognize the doctrine evidently handed down in Trent even as more probable. But what does it matter to call the doctrine of Trent more probable, when the opposite is by Probabilism probable? Nay, it is enough that it be probable; and by these words of proscription all testimonies, even the most evident, are eluded.

VII. It is plain therefore that electors to benefices, whether simple or with the care of souls, ought to elect the worthier. Assuredly electors sin more gravely and more wickedly who elect the worthy, the worthier being passed over, to benefices with the care of souls, than if they elected them to simple benefices. But this does not take away that they sin gravely, if in the distribution of simple benefices they violate the order prescribed by Trent. Since in this also a grave detriment is brought upon the Church, and distributive justice is violated.

VIII. Authors dispute here whether, when the excess of worthiness is slight, electors sin gravely if they prefer a worthy man to another who is slightly worthier. Some deny it, others affirm it. But speculations being dismissed, pastors in a most grave business, in which the public good of the Church is always treated, are bound to prefer him whom, all things being regarded, they acknowledge to be worthier. To an unworthy man in no case is a vote to be given; nay, that electors may avoid the election of an unworthy man, when they cannot elect a worthier, they can give their vote to a worthy one. He who resigns a benefice in favour of someone is bound to seek the worthier. Examiners ought to propose to the bishop him whom they acknowledge to be worthier. Unjust electors to benefices are bound to compensate the losses at least of the Church or community. As regards him who is unjustly passed over, read St. Thomas, II-II, q. 63, art. 2, reply 4.

IX. QUESTION II. *Is the translation of bishops forbidden?* ANSWER. Fr. Suárez, Vol. III, *On Religion,* Book 1, chapter 18, with others defends that it is forbidden by ecclesiastical right alone. But Soto, Carthusianus, Bannez, and the Salmanticenses maintain that this translation is forbidden by natural and divine right. And they evince it by the authority of Innocent III, chapter *Inter corporalia,* where he decrees these things: *Since therefore a spiritual bond is stronger than a carnal, it ought not to be doubted that Almighty God has reserved to his own judgment alone the dissolving of the spiritual marriage which is between a bishop and his Church.*

X. That spiritual marriage is not founded in all things upon matrimony, since the latter is a sacrament not subject to human power. Innocent III nevertheless subjoins that by a divine rather than a human power that spiritual bond is dissolved when by the authority of the Roman Pontiff a bishop is

removed from his Church and transferred to another. Hence gather that this translation can in no way be made, unless a most urgent and most evident cause occur, which yields to the convenience and utility not of the bishop but of the Church. Wherefore what is to be said of those bishops who receive one Church as a spouse with this intention, that she may be a step to another, and the other to another to be espoused, until at last they find one most beautiful — that is, which they judge richest and most opulent? Whether these are adulterers and not spouses, wolves and not pastors, let the judgment be others'. Nor should you object that things which are of natural and divine right are not obnoxious to dispensation, even pontifical: since some things are of natural and divine right absolutely; others presuppose free human acts, which being posited, a natural and divine right arises. This latter, not the former, may lie subject to a dispensation, or rather to an interpretation of the Supreme Pontiff, who, as bearing the place of God, interprets laws of this kind. See Vol. III, on the dispensation of vows.

XI. Confirmation is an act which affords full right to the elected or presented man to the dignity to which he has been elected. The confirmer ought to explore the endowments of those elected, and to confirm the worthier.

XII. The Supreme Pontiff has power of conferring all benefices of whatsoever kind in the universal Church. Archbishops and bishops in their own dioceses. Cardinals can confer the benefices of their own churches, whatsoever they be; and Cardinals in the province of their legation can confer benefices. The Chapter of a cathedral Church together with the bishop has power of dispensing canonries and prebends. In diverse Churches diverse customs obtain. The Chapter, the See being vacant, cannot confer benefices, by rule 3 of the Chancery.

XIII. QUESTION III. *What is the resignation of a benefice?* ANSWER. A benefice can fall vacant either by the death of the beneficiary, or by renunciation, which is a voluntary dismissal of the benefice made before the lawful Ordinary. It is twofold: the one express in words; the other tacit through acts contrary to the retention of a benefice, as through matrimony, through the military art, through religious profession, and so forth. Bishops can admit simple resignations only; the Pontiff all conditioned ones. In the Bull of St. Pius V given in the year 1568 several causes of resignation are assigned: 1. If the beneficiary be an old man of seventy years; 2. If he be sickly; 3. If he be paralytic, apoplectic, lunatic, leprous, and so forth; 4. If he be lame, dumb, deaf; 5. If he be a homicide, sodomite, concubinary, blasphemer; 6. If he be bound by ecclesiastical censures; 7. If he have obtained several benefices which he cannot administer together; 8. When on account of capital enmities he cannot administer. Some of these causes induce a necessary resignation.

XIV. After a triennium all benefices can be resigned. If the benefices be of a right of patronage, the patron's consent is necessary. A beneficiary in the article of death cannot renounce with hope of return, as Trent declares, session 25, chapter 7 *On Reformation.* Resignations in favour of another are simoniacal. The use of these crept in little by little about the end of the fifteenth century, against all the ancient canons. What absurdities follow hence cannot be expressed. The dispensations by which successions of this kind are wont to be made honourable are frequently obreptitious and subreptitious, and therefore before God null.

XV. Exchange is akin to a resignation in favour of another, and differs only in this, that in an exchange the resignation is mutual. If anyone having only a right *to* the thing should exchange with another having the same right, or a right *in* the thing, the exchange is simoniacal. For a lawful

exchange there is always required a greater utility of the Church. A beneficiary through a contracted marriage loses his benefice, even if afterwards the marriage be detected to be null. For if he truly intended to contract, by that very deed he spurns the benefice. If he contract feignedly, he deserves to be deprived. This is to me the more probable, the argumentations of very many being dismissed.

Chapter VI — On the plurality of benefices

I. Trent, session 24, chapter 17 *On Reformation,* establishes these things: *But that those who at present hold several parochial churches, or one cathedral and another parochial, be altogether compelled — any dispensations and unions for life notwithstanding — one parochial only, or the cathedral alone, being retained, to dismiss the other parochial ones within the space of six months: otherwise let both the parochial ones and all the benefices which they hold be reckoned vacant by the law itself; nor let those obtaining them before retain the fruits with a safe conscience after the said time.*

II. He therefore who has several benefices which cannot be administered together is bound within two months to renounce the benefices which he cannot administer with the first obtained. Trent adds there at the beginning: *Since the ecclesiastical order is perverted when one man occupies the offices of several clerics, it was provided by the holy canons that no one ought to be enrolled in two churches. But because many, by an affection of wicked cupidity deceiving themselves and not God, are not ashamed to elude by various arts the things which have been well constituted, and to obtain several benefices at once; the holy Synod, desiring to restore the due discipline for governing churches, by the present decree, which it commands to be observed in any persons whatsoever, by whatsoever title, even though they shine with the honour of the cardinalate, establishes that in future one ecclesiastical benefice only be conferred upon individuals. Which indeed, if it do not suffice for honestly sustaining the life of him upon whom it is conferred, let it nevertheless be lawful that another simple benefice sufficient be conferred upon the same, provided that both do not require personal residence. And let these things pertain not only to cathedral Churches, but also to all other benefices,* and so forth.

III. No one, even if he be a Cardinal, can by right have several benefices — not indeed simple ones, if one suffice for congruous sustentation; and if they be benefices with the care of souls, not even if one do not suffice, and on that account it is not lawful to possess several. These things are clear and manifest.

IV. SOLE QUESTION. *Whether the plurality of benefices is forbidden by natural right, and not only by canon right?* ANSWER. Some actions are so forbidden by natural right that in no circumstance can they turn out lawful, as perjury, adultery, fornication, and so forth. Others are indeed forbidden by natural right, as homicide, which is sometimes lawful by public authority. In this second kind St. Thomas places, Quodlibet 9, article 15, the having of several prebends. *But there are certain actions which absolutely import a certain deformity or inordination, which nevertheless are made good by certain circumstances supervening; just as to kill a man, or to strike him, imports in itself a certain deformity; but if it be added, to kill a malefactor on account of justice, or to strike a delinquent for the sake of discipline, it will not be a sin but virtuous. In the number of these actions is seen to be the having of several prebends. For although it contain certain inordinations, nevertheless other circumstances can supervene so making the act honourable that the aforesaid inordinations are totally evacuated; as, for instance, if there be need of his service in several Churches, or if he can serve the Church more, or as much absent as another present, and if there be other things of this kind. And then, these conditions supervening with a right intention, it will not be a sin, even no dispensation intervening, if the natural right alone be considered: because dispensation does not pertain to natural right, but only to positive.*

V. A plurality of benefices, says the Angelic, is absolutely forbidden by natural right. Clothed with circumstances of utility and of the necessity of the Church, it can turn out lawful. These circumstances being taken away, no dispensation can make honourable a plurality of benefices, as St. Thomas concludes in the same place. *But if the ancient laws have been abrogated through custom, then, the aforesaid circumstances supervening, even without a dispensation it is lawful to have several prebends; without which circumstances it is not lawful, however much a dispensation intervene: because a human dispensation does not take away the bond of natural right, but only the bond of positive right, which is established by man and can be dispensed by man.*

VI. They object: A custom obtains, even among upright and well-behaved ecclesiastics, of having several benefices. I answer that, the recounted circumstances being taken away, a plurality of benefices repugns natural right itself, because one man cannot serve several Churches at once, nor feed several distant flocks at once, nor sing at once in several distant choirs. That probity is fictitious and masked which violates natural right.

Chapter VII — Beneficiaries are bound out of justice, and not only out of charity, to dispense all superfluous things to the poor

I. Certain authors — I know not who, that I may use the words of Paul Comitolus, a most elegant and most learned Jesuit — have endeavoured to bring into the Christian commonwealth, after a thousand five hundred years, a new and perilous opinion, by which they attribute to those who obtain ecclesiastical benefices an absolute dominion of the fruits perceived therefrom. Which opinion assuredly is stabbed by its very novelty. The opinion which defends that ecclesiastics are bound by the bond of justice to distribute superfluous things to the poor is of its own nature perspicuous, propped by the prescription of fifteen centuries, fortified by the authority of Councils, canons, holy Fathers, and Pontiffs, and by unconquered weights of reasons.

II. Although, that at the outset I may unteach beneficiaries, the opinion of the younger authors avails them little, nay nothing. For it is agreed among all, both theologians and canonists, that the precept of charity urges ecclesiastics under the interdict of eternal damnation to the almsgiving of superfluous things. But that they descend into eternal fire on account of a precept violated, whether of justice or of charity — what, I ask, does it profit them, as Dominic Soto, Bellarmine, and the other theologians advert? Hence it is that I shall despatch this controversy in few words. I should fill a volume if I wished to transcribe hither all the testimonies of the Fathers and Councils which call those beneficiaries thieves, robbers, savage plunderers, who squander the patrimonies of Jesus Christ and of his poor in fostering luxury, ambition, and display, in enriching blood-relations, in making gifts to little matrons, in frequenting theatres, comedies, and games, in feeding dogs. These things are obvious and well known.

III. The most learned Pontiff Benedict XIV in his *Diocesan Synod,* page 154, no. 5, writes these things: *It is likewise certain that, before the said division of ecclesiastical goods, a bishop, to whom the administration of the same belonged, ought to have bestowed faithfully the part assigned to individuals, and could not without a violation of commutative justice defraud the poor of that fourth part of the proceeds which according to the discipline of that age was destined for the relieving of the needs of the poor; which burden indeed, flowing from that virtue of justice, still even now lies in those places in which the aforesaid division has not yet been made, upon bishops, abbots, and other beneficiaries, with whose ecclesiastical revenues those are mingled which were attributed to the poor, or to the*

fabric of the Church, according to the ancient institution. Wherefore if they have usurped anything from these for themselves, they are unjust detainers of another's property, and are bound to restitution.

IV. At present the goods of beneficiaries here are undivided. Therefore beneficiaries are bound by the bond of justice to distribute superfluous things to the poor. And in the first place, from the very beginning of the division carried out, the administration of the portion of the poor always remained with bishops and beneficiaries. Never was a portion of the ecclesiastical revenues assigned to the body of the poor. Never did the poor obtain the administration and dominion of their own portion. But bishops and beneficiaries, either by themselves or by the work of ministers, distributed this portion, which was now greater, now less, according to the greater or lesser abundance of revenues. This is evident from the decrees of very many Councils, which I have reported in Vol. I, dissertation 6, chapter 18. In several places the poor were described in the tables or registers of the Churches, and were called *matricularii*.

V. Hence it is clearly established how chimerical is the comment which the patrons of the opposite doctrine feign for themselves. These reckon that the ecclesiastical revenues are a certain living, stable, and permanent tribute, divided into four parts, and consisting down to the present time, obnoxious to no vicissitude. They reckon that the portion of the poor, drawn from the living stock and separated in fact, has come into the dominion of the poor. How vain that comment is, no one does not see. The ecclesiastical revenues at the beginning were committed to the trust of the bishops and possessed in common, and were divided by the bishops through the work of ministers to individuals as need was. Charity growing cold and the avarice of ecclesiastics prevailing, some bishops, the poor being neglected and the worship of the Churches and the clergy, converting the sacred proceeds to their own and their blood-relations' profane uses, swallowed all things down their own throats. Then by the decrees of Councils a partition of the sacred revenues was commanded. To the clergy and to the worship of the Church portions were separately consigned; but the portion of the poor, mingled with the goods of the beneficiaries, was taxed each year by the beneficiaries themselves and bestowed upon the poor. The sacred revenues were subject to those changes to which all temporal things are subject. In the course of time, according to the increase or decrease of the revenues which were daily conferred by the faithful of Christ, the portion of the poor grew or was diminished. From the first time of the division down to this our age innumerable benefices have been instituted — bishoprics, chaplaincies, and so forth. Most ample estates, farms, rent-charges, and vast goods have been given to the Churches. When was the portion of the poor deducted from these? What steward or dispenser, besides bishops and beneficiaries, was to be appointed? It is evident therefore that the portion of the poor has always and always again remained mingled with the goods of the beneficiaries.

VI. What we have said is confirmed by a most clear reason repeated from an evident fact. The Pontiffs, Councils, and Fathers of every century exalted their voices against bishops and beneficiaries, because they neglected to succour the poor. They always reproved them as dilapidators of the patrimony of Christ and of the poor. Consult all the Councils and Fathers from antiquity down to this time: nowhere will you find even a slight vestige that any steward or dispenser of the portion of the poor, distinct from the beneficiaries, was rebuked as guilty of infidelity in his administration and dispensation. But they always reproached bishops and beneficiaries with an unfaithful administration of the portion of the poor: these alone they accuse and disapprove; to these alone they commit the

care of the poor as to fathers, and command; to these alone they forbid that they grow rich from the patrimony of the poor, or make their blood-relations rich, or convert the revenues of Christ into luxury and display. This same thing teach the Fathers and Doctors of a later age — Peter Damian, Gratian, Bernard, Raymond, Thomas, Bonaventure, Albert the Great, Alensis, Antoninus, Bernardine, Paludanus, and the rest commonly. What of this, that adversaries have never been able to indicate an administrator of the portion of the poor distinct from beneficiaries, or that a portion of the poor separated from the goods of the beneficiaries exists or has existed? That some have babbled that the portion of the poor came to the hospices is a manifest chimera. What Father, what Council ever reproved or rebuked the hospices, because they do not distribute the revenues of beneficiaries and bishops to the poor? Let us run through all the benefices, whether episcopal, or parochial, or capitular, for more than six centuries. I challenge adversaries to produce documents of the boasted division of even one benefice. Let beneficiaries exhibit the division of the ecclesiastical revenues which they now perceive, and we forthwith absolve them from the debt not only of justice but even of charity of distributing alms. For if the division be just, they have nothing superfluous to lay out. But they ought to bring forward authentic documents. What? Could a brother exclude a brother from the portion of the common patrimony owed to him, unless he evinced by documents, and indeed clear ones, that a division had been made, and that he had long had his own portion? Exceedingly ridiculous would they render themselves, if they obtruded a division carried out in the fourth or fifth century, when the benefices of today were not yet instituted. No otherwise than if a brother should exclude the rest of the brethren from the division of the common patrimony, because by the law of nations a division of all goods was introduced so many ages ago.

VII. It remains therefore evident and explored that the portion of the poor is mingled with the revenues of bishops and beneficiaries, and that beneficiaries alone are bound with the burden of administering the same. This being posited, I frame this argumentation. Adversaries themselves with one mouth confess that, the division of the goods of the Church being taken away, beneficiaries are bound by the bond of justice to lay out superfluous things upon the poor. The boasted division is chimerical. Therefore they are necessarily compelled to concede that today beneficiaries are bound out of the debt of justice to dispense superfluous things to pious uses and to the succour of the poor.

VIII. The argumentations are inevitable, the weights of reasons unconquered. But avarice, ambition, and pride so madden the mind that they do not suffer it even to see the noonday light. There is added the authority of certain casuists, who commonly oblige beneficiaries out of the debt of charity to lay out superfluous things, and pronounce them guilty of eternal damnation for the violation of that precept; nevertheless there have not been wanting probabilists who free beneficiaries even from the precept of charity. Lessius, Baunius, and others have so relaxed the common doctrine that they teach that beneficiaries are held *by ecclesiastical precept alone* to dispense superfluous things. Diana himself, Vol. IV, tract 7, resolution 10, says: *I do not favour this opinion; and since it is against the common one, I think it altogether to be repudiated.* Even lay Christians themselves are bound by the natural precept of charity to dispense superfluous things to the poor. And do Lessius and Baunius free beneficiaries themselves from this precept? If you desire more, consult Vol. II, dissertation 6, chapter 26 and following.